

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MAY 28, 2010

(Published June 5, 2010, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
May 28, 2010 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 5/28/2010.

Lilligren moved acceptance of the minutes of the regular meeting of May 14, 2010. Seconded.

Adopted upon a voice vote 5/28/2010.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 5/28/2010.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274264)

Affordable Housing Initiative for the City of Mpls 2009: Annual Evaluation.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274265)

National Marrow Donor Program (3001 Broadway St NE): Preliminary & final approval to issue bonds.

Land Sale (3649-2nd Ave S): To Home Ownership Works Program purchaser.

Northside Home Fund (re 2501, 2511 & 2530 James Ave N): Authorize acquisition of properties from Powderhorn Residents Group Inc & Northside Housing Services of Mpls.

Organic Technologies Inc: Authorize River Services Inc to enter into Lease Agreement.

MAYOR (274266)

Mpls Workforce Council: Appointments/reappointments.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274267)

Neighborhood Stabilization Program Loans: Amendment to contract with Greater Metropolitan Housing Corp re loan administration costs.

Environmental Remediation Grant Application: Approval of application of Mpls Park & Recreation Board re East Phillips Community Center project.

FINANCE DEPARTMENT (274268)

Consolidated Redevelopment Tax Increment Financing District Memorandum of Understanding: Amendment to MOU with Hennepin County re additional condition.

PURCHASING (274269)

Demolition Bid (3627 Emerson Ave N, 2313 James Ave N, 3246 Penn Ave N, 823 Penn Ave N, 2319 Golden Valley Rd, 2622 Penn Ave N): Low bid of KA Kamish Excavation, Inc.

PUBLIC SAFETY AND HEALTH (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (274270)

Public Health Advisory Committee: Approve appointments and reappointments.

PUBLIC SAFETY AND HEALTH and REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

REGULATORY SERVICES/FIRE DEPARTMENT (274271)

Housing Inspections of Four or More Dwelling Units: Approve reorganization of the City's inspections management responsibilities.

PUBLIC SAFETY AND HEALTH and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (274272)

Fargo Flood Deployment: Accept \$2,011.20 from State of Minnesota for expenses incurred for the March 2009 Fire Department deployment in response to the Red River Valley flooding.

Minnesota Task Force One Team: Accept \$9,631.63 reimbursement for urban search and rescue training.

HEALTH AND FAMILY SUPPORT SERVICES (274273)

Violence Prevention Demonstration Program: Authorize apply for three-year grant from the United States Department of Justice seeking an amount not to exceed \$2.2 million to replicate the CeaseFire model.

POLICE DEPARTMENT (274274)

Homeland Security Grant: Execute grant agreement with Minnesota Homeland Security and Emergency Management to receive \$193,030 for emergency preparedness equipment for the Police Department.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (274275)

Amici Pizza & Bistro (2851 Johnson St NE): Grant On-Sale Wine Class E with Strong Beer License; and Sidewalk Cafe License.

Black Sheep Coal Fired Pizza (600 Washington Av N): Grant On-Sale Wine Class E with Strong Beer License; and Sidewalk Cafe License.

Subo (89 S 10th St): Grant Sidewalk Cafe License.

Toast Wine Bar and Cafe (415 1st St N): Grant On-Sale Liquor Class E with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (274276)

Big Mike's Stump Removal (9608 Vincent Av N, Brooklyn Park): Approve Business License Operating Conditions relating to Tree Servicing License.

Esquina Mexican Eats (10 S 5th St): Approve Business License Operating Conditions relating to All Night Special Food License.

Lyndale Tobacco (703 W Lake St): Approve Business License Operating Conditions relating to Tobacco Dealer License.

Premier Parking (245 9th Av S): Approve Business License Operating Conditions relating to Commercial Parking Lot Class A License.

Skyline Food (2400 10th Av S): Approve Business License Operating Conditions relating to Grocery License.

Webber Camden Market (1701 44th Av N): Approve Business License Operating Conditions relating to Grocery (Specialty) License.

Bombay Bistro (820 Marquette Av): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class E with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (274277)

Licenses: Applications.

REGULATORY SERVICES (274278)

Property at 3001 E Lake St: Determine that the property constitutes an immediate hazard to the public health and safety; and Waive 60-day requirement to declare the property a nuisance and proceed with the provisions of Chapter 249.

Well Program: Execute Well Delegation Agreement with Minnesota Department of Health.

Taxicabs: Ordinance amending various sections relating to regulation of the taxicab license application; issuance of a license; having the license be coterminous with a Minnesota Driver's License; adding suspension and cancellation of Minnesota driver's license to license procedures.

REGULATORY SERVICES (274279)

Rental Dwelling License at 321 Ontario St SE: Sent forward without recommendation revocation of license held by Frank Zaragoza.

REGULATORY SERVICES (274280)

Rental Dwelling License at 315 Ontario St SE: Revocation of license held by Frank Zaragoza.

REGULATORY, ENERGY AND ENVIRONMENT and TRANSPORTATION AND PUBLIC WORKS (See Rep):

REGULATORY SERVICES (274281)

Legislative Citizen Commission on Minnesota Resources Grant: Authorize be a full partner in the American Lung Association of Minnesota grant proposal, Building Minnesota's Electric Vehicle Future Project, and if awarded, accept funding from the LCCMR to install public charging infrastructure and to purchase electric vehicles for City fleet use if analysis by the Department of Public Works determines the project to be a net benefit to the City.

TAXES (BOARD OF EQUALIZATION) (See Rep):

CITY CLERK (274282)

2010 Board of Appeal and Equalization Report.

TRANSPORTATION AND PUBLIC WORKS:

CENTERPOINT ENERGY (274283)

Utility Pole Installation: a) 2450 Minnehaha Ave S; b) 937 Brook Ave SE; c) 601 2nd St SE; d) 623 14th Ave SE; e) 622 1/2 - 9th St SE; f) 53 Colfax Ave N, 900 Glenwood Ave N, and 1001 Glenwood Ave N; g) 2501 Elliot Ave S; and h) 1220 53rd St E.

PUBLIC WORKS AND ENGINEERING (274284)

Minneapolis Bicycle Design Guidelines: Receive & file.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (274285)

Interim Director of Water Treatment and Distribution Services: Amend contract with TKDA.

Legal Settlement: Commissioner v. City of Minneapolis - MPD Special Operations.

Broadway St NE Street Resurfacing Project No 5197 (Stinson Blvd to Industrial Blvd): Project designation.

Joint City/County Solid Waste Management Facility: Authorize acquisition of 340 27th Ave NE.

Non-Motorized Transportation Pilot Program Bicycle Operations Project: a) Layouts; and b) Federal aid designation exceptions.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (274286)

Chicago Ave S Street Lighting Project No 6382 (8th St S to 28th St E): Project approval and assessment public hearing.

Site Access Agreement: Lease with Minnesota Pollution Control Agency for ambient air quality monitoring equipment at 3101 Nicollet Ave S.

Marquette Ave Double Width Transit Lanes Project: Increase appropriation and sale of bonds for abandonment of conflicting areaway at 527 Marquette Ave.

Bids: a) OP 7286, Low bid of Thomas and Sons Construction, Inc., for 7th St N and Van White Memorial Blvd Intersection Project; and b) OP 7296, Low bid of Veit & Company, Inc., for construction of Cedar Lake Trail Phase III Project.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (274287)

Legal Settlement: Theresa Flagg v. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (274288)

Unisys Contract: Increase Contract C-25200 for departmental requests for change order transactions through 2010.

FINANCE DEPARTMENT (274289)

Gift Acceptance from 4th Quarter 2009 through 2nd Quarter 2010.

PUBLIC WORKS AND ENGINEERING (274290)

Nicollet Mall: 2011 Operating Budget.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (274291)

HPC Appointments:

Larsen, Lemmon, Haecker

Historic Designations:

Green & DeLaittre Grocery Company Warehouse (500 N 3rd St)

Rex Hardware Store Building (2601 Lyndale Ave S)

INSPECTIONS/BOARD OF ADJUSTMENT (274292)

Appeal:

2604 Chicago Ave S

BOA Appointments:

Perry, Ditzler, Sandberg, Nutt, Keobounpheng, & Cahill

PLANNING COMMISSION/DEPARTMENT (274293)

Rezoning:

Kamals Restaurant & Food (3025 5th Ave S)

Golden Nest (1918 19th Ave NE)

Zoning Code Text Amendment:

Relating to revision of existing code definitions

FILED:

JORDAN AREA COMMUNITY COUNCIL (274294)

Correspondence to Council Member Colvin Roy regarding 26th Ave Bikeway/Greenway.

FILED (See Rep):

REGULATORY SERVICES (274295)

Java Jacks: Business Operating Conditions relating to On-Sale Wine Class E with Strong Beer License.

The following reports were signed by Mayor Rybak on June 1, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, to whom was referred an ordinance amending Title 2 of the Minneapolis Code of Ordinances relating to *Administration*, adding a new Chapter 39 relating to *Displaced Contract Service Workers*, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/28/2010.

Ordinance 2010-Or-049 amending Title 2 of the Minneapolis Code of Ordinances relating to *Administration* by adding a new Chapter 39 entitled "Displaced Contract Service Workers," was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-049
By Glidden and Goodman
Intro & 1st Reading: 2/26/2010
Ref to: CD
2nd Reading: 5/28/2010

Amending Title 2 of the Minneapolis Code of Ordinances relating to *Administration* by adding a new Chapter 39 relating to Displaced Contract Service Workers.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 39 to read as follows:

CHAPTER 39. Displaced Contract Service Workers.

39.10. Title. This chapter shall be known as "The Protection of Displaced Contract Service Workers Ordinance."

39.20. Purpose. The purpose of this chapter is to require that contractors awarded service contracts with the City of Minneapolis retain certain non-supervisory employees of the previous contractor for a ninety (90) day transition employment period during which period retained employees may not be terminated except for cause, and to require that such employees be provided with various other job security protections.

39.30. Definitions. Whenever used in this article, the following words shall mean:

Contractor: Any person that enters into a service contract with the City of Minneapolis and whose contract requires the services of fifteen (15) or more employees and includes a subcontractor.

Employee: Any person employed by a contractor to provide service pursuant to a service contract. "Employee" does not include a person who is:

- (a) Managerial or supervisory or confidential, including those employees who would so be defined under the Fair Labor Standards Act; or is
- (b) Employed for less than six (6) consecutive months; or is
- (c) Employed for less than twenty (20) hours a week; or is
- (d) An at-will employee.

Person: Any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, nonprofit organization or other entity that may employ individuals or enter into contracts, including the City of Minneapolis and any of its boards or agencies, but shall not include any other governmental entity.

Service contract: A contract let by the City of Minneapolis to a contractor for the furnishing of janitorial or security service work.

Successor contractor: Any contractor that is awarded a service contract to provide, in whole or in part, services that are substantially similar to those provided under a janitorial or security service contract that within the last six (6) months has been terminated or has ended.

39.40. Transition Employment Period. For all service contracts to be performed for the City of Minneapolis, the following provisions shall apply:

(a) The City of Minneapolis shall give advance notice to a service contractor, and to any collective bargaining representative of any of the service contractor's employees performing work under the contract, that the service contractor's contract will be terminated or will end and shall further provide the identity, address and telephone number of the successor contractor or contractors. Notice by the city shall be given as much as reasonably practicable under the circumstances and in no event less than thirty (30) calendar days prior to the termination or end of the service contract.

(b) Where the City of Minneapolis has given notice to a service contractor that a service contract has been terminated or ended, the terminated or ending contractor shall, within seven (7) calendar days after receipt of such notice, provide to the successor contractor, the name, date of hire, and employment occupation classification of each employee employed at the site or sites covered by the predecessor contractor at the time of receiving said notice.

(c) On that date said contract terminates or ends, the terminated or ending contractor shall update the information previously provided to make it current to the actual termination date.

(d) If the terminated or ending contractor has not learned the identity of the successor contractor, the terminated or ending contractor shall provide such information to the City of Minneapolis and the city shall be responsible for providing such information to the successor contractor as soon as that contractor has been selected.

(e) A successor contractor who is awarded a service contract to provide services provided by a contractor shall retain, for a ninety (90) calendar day transition employment period, covered employees who have been employed by the previous contractor at the site or sites covered by the contract. Retained employees shall be required to pass the successor contractor's normal selection and hiring processes, including but not limited to background checks and drug screening, before becoming employed by the successor contractor. Any employee who does not pass such processes shall not be hired by the successor contractor.

(f) If at any time, the successor contractor determines that fewer employees are required to perform the new service contract than were required by the previous contractor, the successor contractor shall retain employees by seniority within job classification.

(g) During the ninety (90) calendar day transition employment period, the successor contractor shall maintain a preferential hiring list of eligible covered employees not retained by the successor contractor from which the successor contractor shall hire additional qualified employees.

(h) Except as provided in subsection (f) in this section, the successor contractor shall not discharge an employee retained pursuant to this chapter during the ninety (90) calendar day transition period without cause.

(i) At the end of the 90 calendar day transition employment period, an employee retained pursuant to this chapter may be removed from the position at the discretion of the successor contractor. If the employee's performance during the ninety (90) calendar day transition employment period is satisfactory, the successor contractor shall offer the employee continued employment under the terms and conditions established by the successor contractor.

39.50. Enforcement. (a) A contractor or successor contractor that violates any of the provisions of this chapter is subject to any legal or equitable remedy available to the city for code violations.

(b) This chapter shall not be construed to limit an employee's right to bring a cause of action for an adverse employment action that otherwise violates state or federal law.

(c) This chapter shall not be construed to interfere with or diminish any employee protections provided under a collective bargaining agreement.

39.60. Failure To Comply Bars Future Contracts. Upon the request of the appropriate contract monitoring officer, all contractors and successor contractors shall comply with any reasonable request by the city to ensure compliance with this article. The city shall prepare and maintain a list of all contractors or successor contractors who are in default under any of the provisions of this article and no further contracts shall be awarded or entered into with such contractor or successor contractor.

Adopted 5/28/2010.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the National Marrow Donor Program Project at 3001 Broadway St NE, the proceeds from which will be used for financing the costs of transplant support systems and the costs of issuance and funding of a debt service reserve fund for the bonds, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$80,000,000 in 501(c)(3) Tax-exempt and Taxable Revenue Bonds for said project.

Adopted 5/28/2010.

Resolution 2010R-251, giving preliminary and final approval to financing for a project on behalf of National Marrow Donor Program, providing for the issuance and sale of up to \$80,000,000 Health Care Revenue Bonds for the National Marrow Donor Program Project at 3001 Broadway St NE, Series 2010, and authorizing execution and delivery of various documents, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-251

By Goodman

Giving preliminary and final approval to financing for a project on behalf of National Marrow Donor Program, providing for the issuance and sale of up to \$80,000,000 Health Care Revenue Bonds (National Marrow Donor Program Project), Series 2010 and authorizing execution and delivery of various documents.

Resolved by The City Council of The City of Minneapolis:

1. Authority. This City is, by the Constitution and Laws of the State of Minnesota, including Sections 469.152 to 469.165, Minnesota Statutes, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing the cost of acquisition and construction of authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act.

2. Borrower and Project. National Marrow Donor Program, a Colorado nonprofit corporation (the "Borrower") has requested that the City assist in the financing of the Borrower's Phoenix Project (the "Project") which consists of the acquisition, development and implementation of a system for matching donors and providing other transplant support systems for the Borrower, including computer hardware and software, licensing and development and related maintenance, and professional services. The Project also includes costs of issuance and funding a debt service reserve fund. The Project will be located at 3001 Broadway Street N.E. in Minneapolis, Minnesota. The Project is to be owned or leased and operated by the Borrower or an affiliate of the Borrower. A public hearing on the Project was duly held on Tuesday, May 18, 2010 by the Community Development Committee.

3. Authorization of Bonds. The City hereby approves the Project and determines that it is necessary and expedient to authorize, and the City does hereby authorize, the issuance and sale of

the City's Health Care Revenue Bonds (National Marrow Donor Program Project), Series 2010 (the "Bonds") pursuant to the Act to provide money to be loaned to the Borrower in the aggregate principal amount of up to Eighty Million Dollars (\$80,000,000) to finance costs of the Project.

4. Documents Presented. Forms of the following documents relating to the Bonds and the Project have been prepared or reviewed by bond counsel, and submitted to the City and are now on file in the office of the City:

(a) Loan Agreement (the "Loan Agreement") between the City and the Borrower, whereby the City agrees to make a loan of the proceeds of the Bonds to the Borrower to finance the Project and the Borrower agrees to pay amounts sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Bonds;

(b) Indenture of Trust (the "Trust Indenture") between the City and U.S. Bank National Association (the "Trustee"), pledging the revenues to be derived from the Loan Agreement as security for the Bonds, and setting forth proposed recitals, covenants and agreements relating thereto;

(c) Bond Purchase Agreement (the "Bond Purchase Agreement") among the City, the Borrower and Oppenheimer & Co. Inc. (the "Underwriter");

(d) Preliminary Official Statement (the "Preliminary Official Statement"), from which an Official Statement pertaining to the Bonds will be generated (this document and the Official Statement not to be executed by the City).

(e) Application for Approval of the Project (the "Application") to be submitted to the Commissioner of the Minnesota Department of Employment and Economic Development.

5. Findings. It is hereby found, determined and declared that:

(a) The Project furthers the purposes and policies of the Act and constitutes a "project" within the meaning of Section 469.153, subd. 2(d) of the Act.

(b) The City held a public hearing relating to the Project and the application for approval of the Project by the Commissioner of Employment and Economic Development and, in the opinion of bond counsel based on representations of the Borrower, the Bonds will be qualified Section 501(c)(3) bonds within the meaning of Section 145 of the Code.

(c) The Loan agreement provides for payments by the Borrower to the Trustee for the account of the City of such amounts as will be sufficient to pay the principal of and interest on the Bonds when due. The Loan Agreement obligates the Borrower to provide for the operation and maintenance of the Project, including adequate insurance, taxes and special assessments. The Loan Agreement further provides for the payment of fees to the City as set forth therein.

(d) The Borrower may approve and request the City to accept a proposal of the Underwriter to purchase the Bonds on the terms set forth in the Bond Purchase Agreement; provided that the true interest cost for the Bonds does not exceed 7.0% per annum and the principal amount of Bonds does not exceed \$80,000,000.

(e) The Bonds are, and are hereby designated to be, program bonds as defined in Resolution No. 88R-021 of the City Council adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

(f) Under the provisions of Section 469.162 of the Act and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from nor charged upon any funds other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee which are pledged to the payment thereof; the City is not subject to any liability thereon; no holders of the Bonds shall ever have the right to compel the exercise of the taxing power of the City to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City; the Bonds shall never constitute an indebtedness of the City, within the meaning of any constitutional, statutory or charter limitation and shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and each Bond issued under the Trust Indenture shall recite that the Bond, including interest thereon, shall not constitute nor give rise to a charge against the general credit or taxing powers of the City and does not grant to the owner or holder of any Bond the right to have the City levy taxes or appropriate any funds for the payment of principal thereof or the interest or premium, if any, thereon and the Bond is not a general obligation of the City or individual officers or agents thereof.

6. Application. The Application is hereby approved and shall be submitted to the Department of Employment and Economic Development for approval.

7. Approval and Execution of Documents. The forms of Indenture, Loan Agreement and Bond Purchase Agreement referred to in paragraph 3 are approved and shall be executed in the name and on behalf of the City by the Finance Officer or the deputy authorized to act on behalf of the Officer, in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof. The Bonds shall be executed as provided by the Indenture. The Bonds shall contain a recital that they are issued pursuant to the Act and such recital shall be conclusive evidence of their validity and the regularity of their issuance.

8. Disclosure Documents. The City consents to the distribution of a Preliminary Official Statement and an Official Statement (collectively, the "Disclosure Documents") prepared with respect to the issuance of the Bonds. The Disclosure Documents shall recite that the City has not participated in the preparation of the Disclosure Documents nor made any independent investigation of the information contained in the Disclosure Documents, and the City takes no responsibility for the sufficiency, accuracy, or completeness of such information.

9. Certifications. The officers of the City are authorized and directed to prepare and furnish to bond counsel, to the Borrower, to the Underwriter and to counsel for the Borrower and the Underwriter, certified copies of all proceedings and records of the City relating to the Project and the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the trust of all statements contained therein.

Adopted 5/28/2010.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of property at 3649 - 2nd Ave S to a qualified Home Ownership Works (HOW) Program purchaser for the fair market value estimated to be \$155,000, subject to the following conditions:

- a) Land sale closing must occur on or before 60 days from date of offer acceptance; and
- b) Payment of holding costs of \$150 per month from the date of offer acceptance to the date of closing if land sale closing does not occur on or before 60 days from date of offer acceptance.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Your Committee further recommends approval of a second mortgage affordability loan in accordance with the HOW Program guidelines of not more than \$30,000, if necessary.

Adopted 5/28/2010.

Resolution 2010R-252, authorizing sale of land, Homeownership Works Program Disposition Parcel HOME 86 at 3649 - 2nd Ave S, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-252

By Goodman

Authorizing sale of land, Homeownership Works Program Disposition Parcel HOME 86 at 3649 - 2nd Ave S.

Whereas, the City of Minneapolis, hereinafter known as the City, has adopted Home Ownership Works Program Guidelines pursuant to which the City purchases residential properties that are renovated or upon which a new home is constructed which is then offered for sale to target buyers under the program; and

Whereas, the City has acquired Parcel HOME 86, in the HOW/HOME Program upon which the existing home was renovated. Parcel HOME 86, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of HOME 86; 3649 2nd Avenue South: Lot 18, Mitchell, White and Vogt's Addition to Minneapolis; and

Whereas, the City has had the fair market value reviewed by an appraisal expert, stating that the fair market value opinion is consistent with accepted methods in aiding the City in determining market value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 7, 2010, a public hearing on the proposed sale was duly held on May 18, 2010 at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the fair market value in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$155,000 for Parcel HOME 86.

Be It Further Resolved that the sale of the parcel pursuant to the Home Ownership Works Program is hereby determined to be in accordance with the City's approved Department of Community Planning and Economic Development disposition policy.

Be It Further Resolved that the sale of the parcel is hereby approved, subject to the execution of a contract for the sale of land consistent with the Home Ownership Works Program Guidelines and further subject to the following conditions; 1) land sale closing must occur on or before 60 days from the date of offer acceptance and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 60 days from the date of offer acceptance.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the CPED Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a contract to a qualified Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to a qualified Purchaser in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/28/2010.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Mayor to appoint the following individuals to serve on the Minneapolis Workforce Council for two year terms, from 7/1/2010-6/30/2012:

New Appointments: Bobbi Cordano, Matthew Damon, Darla Figoli and Michael McHugh

Reappointments: Mark Anderson, Doug Flateau, Joe Gaspard, Carolyn Roby (also reappointed as Chair) and Terrell Towers

Your Committee further recommends that the residency requirement be waived for Mark Anderson, Bobbi Cordano, Matthew Damon, Joe Gaspard, Darla Figoli and Terrell Towers, pursuant to Section 14.180 of the Minneapolis Code of Ordinances.

Adopted 5/28/2010.

Comm Dev - Your Committee, having under consideration acquisition of properties as part of the Northside Home Fund (NHF), now recommends that the proper City officers be authorized to acquire and execute necessary documents for the acquisition of 2511 James Ave N from Powderhorn Residents Group, Inc. (PRG) for \$2,575.15; and 2501 and 2530 James Ave N from Northside Housing Services of Minneapolis (NHS) for \$18,273.92, and to forgive existing loans of \$22,467.76 to PRG and \$123,938.97 to NHS.

Adopted 5/28/2010.

Comm Dev - Your Committee, having under consideration the Upper Harbor River Terminal sub-lease agreements, now recommends that River Services Inc and the proper City officers, if necessary, be authorized to enter into a Lease Agreement and other related documents with Organic Technologies Inc to allow capital improvements to the site, consistent with the terms and conditions outlined in the Department of Community Planning & Economic Development staff report.

Adopted 5/28/2010.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the report of the Department of Community Planning & Economic Development recommending approval of an amendment to the Council action of 12/18/2009 in connection with the establishment of the Consolidated Redevelopment Tax Increment Financing (TIF) District which authorized the Finance Officer to enter into a Memorandum of Understanding (MOU) between the City and Hennepin County, by adding one additional term/condition which places a limitation on the City's enlargement of the TIF District in the future, which reads as follows: This additional "County-imposed" term/condition places a limitation on the City's enlargement of the TIF District in the future. The term/condition states that the City may only enlarge the TIF District such that the revised projection of total tax increment distributed to the City over its ten year life is no more than 10% above the original projection of tax increment shown in the approved TIF plan ($\$163,800,000 * 110\% = \$180,100,000$). This limitation can be waived by County Board resolution;

now recommends -

Comm Dev - Approval of the staff recommendation.

W&M/Budget - Approval of the staff recommendation, with the following additional language:

Further, notwithstanding this approval, the City disagrees with the County's interpretation of the Special Legislation that it has authority to limit enlargement of the Consolidated TIF District. The City reserves the right to object to any future County action limiting enlargement. City performance of this Agreement shall not be deemed or construed to be a waiver of such right.

Goodman moved that the report be amended to approve the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/28/2010.

Comm Dev & W&M/Budget - Your Committee, having under consideration administrative funding for the Neighborhood Stabilization Program (NSP) loans, now recommends that the proper City officers be authorized to amend the Greater Metropolitan Housing Corporation contract by adding \$55,000 to cover loan administrative costs. Further, passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development \$55,000.

Adopted 5/28/2010.

**RESOLUTION 2010R-253
By Goodman and Hodges**

Amending the 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Residential Housing Fund (01SRF-8900220) by \$55,000.

Adopted 5/28/2010.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid meeting specifications submitted to the Departments of Community Planning & Economic Development and Procurement on OP No. 7266 from K.A. Kamish Excavation, Inc in the amount of \$96,780 to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the demolition and site clearance of the following structures per the bid specifications: 3627 Emerson Ave N, 2313 James Ave N, 3246 Penn Ave N, 823 Penn Ave N, 2319 Golden Valley Rd and 2622 Penn Ave N.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted 5/28/2010.

Comm Dev & W&M/Budget - Your Committee, having under consideration environmental remediation grant applications for Spring, 2010, now recommends passage of the accompanying resolution approving the application of the Minneapolis Park and Recreation Board submitted to Hennepin County's Environmental Response Fund on 5/3/2010 in connection with the East Phillips Community Center Project.

Adopted 5/28/2010.

Resolution 2010R-254, approving the Minneapolis Park and Recreation Board's Application to the Hennepin County Environmental Response Fund for the East Phillips Park Community Center Project, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-254
By Goodman and Hodges

Approving the Minneapolis Park and Recreation Board's Application to the Hennepin County Environmental Response Fund for the East Phillips Park Community Center Project.

Whereas, the Minneapolis Park and Recreation Board applied directly to the Hennepin County Environmental Response Fund [ERF] on May 3, 2010 for funding to assist with the cleanup of soil contamination at the site of the planned East Phillips Park Community Center at 2307 17th Avenue S. in the City of Minneapolis; and

Whereas, the ERF program's procedures require a City Council resolution in support of any project within the City of Minneapolis that intends to seek such funding;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby expresses its support for the ERF cleanup funding that the Minneapolis Park and Recreation Board has sought from the Hennepin County Environmental Response Fund for the planned East Phillips Park Community Center at 2307 17th Avenue South in the City of Minneapolis.

Adopted 5/28/2010.

The PUBLIC SAFETY & HEALTH Committee submitted the following report:

PS&H - Your Committee recommends concurrence with the Mayor and City Council to appoint and reappoint the following persons to serve on the Public Health Advisory Committee for two-year terms to expire December 31, 2011:

Appointments

Robert Burdick, representing Ward 11

Elizabeth Hutchinson, representing Ward 10

Reappointments

Gavin Watt, representing Ward 1

Jim Hart, School of Public Health, University of Minnesota

Renee Gust, Hennepin County Public Health.

Adopted 5/28/2010.

The PUBLIC SAFETY & HEALTH and REGULATORY, ENERGY & ENVIRONMENT Committees submitted the following report:

PS&H & RE&E - Your Committee, having received a report relating to the Fire Department performing housing inspections of four or more dwelling units, now recommends that staff be directed to work on a more detailed staff direction based on the model discussed for managing inspections programs for the City of Minneapolis, with a report back to Committee of the Whole on May 27, 2010, to include comments from staff on what a broad time line for implementation would look like.

Glidden moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

PS&H & RE&E - Your Committee, having received a report relating to the Fire Department performing housing inspections of four or more dwelling units, now recommends approval of a reorganization of the City's inspections management responsibilities.

Fire Prevention Bureau inspections operations will be transferred to and managed by Regulatory Services. Inspections will be conducted pursuant to Regulatory Services standard operating procedures.

a. The Fire Marshal shall remain assigned to the Fire Department and will retain final authority over Fire Code interpretation. The Fire Marshal's duties shall be assigned by the Fire Chief and shall include code inspections liaison responsibilities with Regulatory Services.

b. Fire Captains will continue to conduct inspections at both commercial and residential occupancies of four or more units under the authority of the Fire Marshal.

c. All authorized civilian positions currently assigned to the Fire Prevention Bureau shall be transferred to Regulatory Services. The transfer will take place through the budget process and be effective January 1, 2011. Sworn Fire Department personnel currently assigned to the Fire Prevention Bureau shall remain employees of the Fire Department.

d. The Fire Department and Regulatory Services will maintain inspection data and share such data on a quarterly basis. The Fire Department will track inspection data and activities of the sworn ranks of the Fire Department. Regulatory Services will track inspection data and activities for the Fire Prevention Bureau. The Fire Department and Regulatory Services shall agree on a common methodology for gathering, maintaining and reporting out on inspection data, to be reported to the City Council as provided in section "o".

e. Effective January 1, 2011, the Fire Department and Regulatory Services shall coordinate inspection activities for all applicable codes including but not limited to the Fire Code, Building Code, Housing Maintenance Code, and all applicable National Fire Protection Association (NFPA) standards.

f. The Fire Department and Regulatory Services will coordinate an annual inspection training program for the sworn and civilian ranks. The Fire Department will immediately implement a training program and will complete the first round of training by October 1, 2010.

g. The Fire Department will manage inspection levels for the Fire Department based on the geographic location or needs of the Fire Department to ensure that all commercial inspections, fire code inspections and housing maintenance code inspections are completed in a tiered inspection program.

h. Commencing January 1, 2011, Regulatory Services will determine inspection schedules and timelines for all housing maintenance code enforcement issues. The Fire Department and Regulatory Services will coordinate consistent enforcement timelines on all other codes.

i. The Fire Prevention Bureau will be responsible for inspection of all new buildings prior to issuance of the certificate of occupancy.

j. The Fire Prevention Bureau will have a hazardous material inspector trained to conduct all inspections at hazmat facilities on an annual basis.

k. There will be a re-organization of all staff assigned to the Fire Prevention Bureau. Staff will be assigned based on their core competencies to be determined by Regulatory Services by January 1, 2011.

l. The Fire Prevention Bureau, under the direction of Regulatory Services, will act as advisors to sworn Fire personnel on all enforcement questions.

m. The Fire Department and Regulatory Services shall execute a letter of agreement providing for the above terms in addition to monthly status meetings to ensure adequate progress by July 1, 2010.

n. The Fire Department, Regulatory Services and the City Attorney's Office will immediately identify and begin drafting ordinance changes to chapters 173 and 174 and any other ordinances identified as necessary to implement this staff direction. The proposed ordinances shall be drafted so as to allow flexibility of enforcement and implementation by the Fire and Regulatory Services departments consistent with Council direction.

o. Starting in October 2010, and continuing on a quarterly basis, Regulatory Services and the Fire Department will report to the Regulatory, Energy & Environment and Public Safety & Health Committees on the progress of integration, training programs, and performance of all inspections programs. Inspections data measurements will be reported by Regulatory Services and the Fire Department to Regulatory, Energy & Environment and Public Safety & Health Committees on a quarterly basis effective January, 2011.

Hodges moved that the report be amended by adding language to the first and second paragraphs, and adding items "p, q, r, s and t", to read as follows:

"PS&H & RE&E - Your Committee, having received a report relating to the Fire Department performing housing inspections of four or more dwelling units, now recommends approval of a reorganization of the City's inspections management responsibilities for the purposes of a) maintaining public safety through inspections by achieving consistency in program and outcomes, and b) creating administrative and management capacity in the Minneapolis Fire Department to effectively achieve those goals.

Fire Prevention Bureau inspections operations will be transferred to and managed by Regulatory Services for a period of two years, or as determined by the City Council following an independent program audit of the Fire Prevention Bureau inspections program conducted in the second year of this plan. This audit shall be conducted under the auspices of the City Coordinator. Inspections will be conducted pursuant to Regulatory Services standard operating procedures.

p. The Minneapolis Fire Department will develop and implement a plan to expand management and administrative skills within the MFD to achieve consistency in program and outcomes for the Fire Prevention Bureau.

q. Regulatory Services will provide support to the MFD in its efforts toward building permanent administrative and management capacity within the Fire Department.

r. Finance staff is directed to work with the Ways and Means/Budget Chair to identify one-time funds to conduct an independent program audit of the Fire Prevention Bureau inspection program in the second year.

s. The Fire Department and Regulatory Services will report back regularly to the Public Safety & Health and Regulatory, Energy, and Environment Committees on the progress and status of the Fire Prevention Bureau inspections program, and management and administrative capacity.

t. The Fire Department and Regulatory Services will report back quarterly to the Ways and Means/Budget Committee on revenues and expenses related to the Fire Prevention Bureau inspections program." Seconded.

Vice President Lilligren assumed the Chair.

Johnson moved to amend Hodges' motion by deleting item "r". Seconded.

Adopted upon a voice vote.

Hodges' motion, as amended, was adopted upon a voice vote.

Johnson resumed the Chair.

The report, as amended, was adopted 5/28/2010.

The PUBLIC SAFETY & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&H & W&M/Budget - Your Committee, having under consideration a grant to replicate a Community-Based Violence Prevention Demonstration Program, now recommends that the proper City officers be authorized to apply for a three-year grant from the United States Department of Justice seeking an amount not to exceed \$2.2 million to replicate the Chicago CeaseFire model to change community norms regarding violence, provide alternatives to violence when gangs and individuals in the community are making risky behavior decisions, and increase awareness of the perceived risks and costs of involvement in violence among high risk young people.

Adopted 5/28/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant agreement with Minnesota Homeland Security and Emergency Management to receive \$193,030 for emergency preparedness equipment in the Police Department. Further, passage of the accompanying resolution appropriating \$193,030 to the Police Department.

Adopted 5/28/2010.

RESOLUTION 2010R-255

By Glidden and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4002750) by \$193,030 and increasing the Revenue Source (01300-4002750-321010) by \$193,030.

Adopted 5/28/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$2,011.20 from the State of Minnesota for expenses incurred for the March 2009 Fire Department deployment in response to the Red River Valley flooding. Further, passage of the accompanying resolution appropriating \$2,011.20 to the Fire Department.

Adopted 5/28/2010.

RESOLUTION 2010R-256

By Glidden and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants – Federal Fund (01300-2800700) by \$2,011.20 and increasing the Revenue Source (01300-2800700-321002) by \$2,011.20.

Adopted 5/28/2010.

PS&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept reimbursement, in the amount of \$9,631.63, on behalf of the Fire Department for urban search and rescue training as a participating member of the State of Minnesota's Task Force One Team. Further, passage of the accompanying resolution appropriating \$9,631.63 to the Fire Department.

Adopted 5/28/2010.

MAY 28, 2010

RESOLUTION 2010R-257
By Glidden and Hodges

Amending The 2010 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants – Federal Fund (01300-2800700) by \$9,631.63 and increasing the Revenue Source (01300-2800700-321015) by \$9,631.63.

Adopted 5/28/2010.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, amending various sections relating to regulation of the taxicab license application; issuance of a license; having the license be coterminous with a Minnesota Driver's License; and adding suspension and cancellation of Minnesota driver's license to license procedures, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that staff be directed to report back at the June 7, 2010 Regulatory, Energy & Environment Committee meeting with an analysis of where traffic laws and taxicab ordinances intersect, and what would be required to address the situation of taxicab operations on Hennepin and 1st Avenues.

Adopted 5/28/2010.

Ordinance 2010-Or-050 amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, amending Sections 341.390, 341.420, 341.425, 341.460 to amend various sections relating to regulation of the taxicab license application; issuance of a license; having the license be coterminous with a Minnesota Driver's License; and adding suspension and cancellation of Minnesota driver's license to license procedures, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-050
By Glidden
Intro & 1st Reading: 4/30/2010
Ref to: RE&E
2nd Reading: 5/28/2010

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 341.390 of the above-entitled ordinance be amended to read as follows:

341.390. License application. Every applicant for a taxicab driver's license shall file an application with the department of licenses and consumer services. The application shall be made on a form provided by the department, containing such information as the director may require to verify that the terms and conditions of this chapter have been met. The application shall be signed and sworn to by the applicant. ~~Prior to the issuance of the license, every licensee shall be fingerprinted and photographed. The chief of police or the chief's representative~~ The department of licenses and consumer services shall investigate each applicant ~~and shall forward the results of the investigation to the director of licenses and consumer services.~~ Any false statement on the application shall be grounds for denial, refusal to renew, or revocation of a license.

Section 2. That Section 341.420 of the above-entitled ordinance be amended to read as follows:

341.420. Issuance of license. Each driver's license shall have upon it a number by which the license shall be designated, ~~a photograph of the licensee~~, and such other information as the director may require. Each license shall indicate the name of the service company for which the driver works. No taxicab driver shall drive for a different service company without first notifying the department and obtaining a new driver's license indicating the new service company. Any licensee who defaces, removes or obliterates any official entry made upon his or her license shall, in addition to any other punishment, have the license revoked.

Section 3. That Section 341.425 of the above-entitled ordinance be amended to read as follows:

341.425. License to be ~~coterminus~~ coterminous with Minnesota driver's license. A taxicab driver's license issued under this chapter shall be ~~coterminus~~ coterminous with the licensee's Minnesota driver's license. Any time that a licensee's Minnesota driver's license is suspended, revoked, or cancelled, his or her taxicab driver's license shall likewise be immediately suspended, revoked, or cancelled. The licensee shall immediately surrender his or her taxicab driver's license to the department. The taxicab driver's license shall be returned to the licensee upon reinstatement of the Minnesota driver's license or issuance of a limited license authorizing operation of a taxicab. No person shall operate a taxicab without a valid Minnesota driver's license.

Section 4. That Section 341.460 of the above-entitled ordinance be amended to read as follows:

341.460. Revocation, suspension and cancellation of Minnesota driver's license; limited licenses; alcohol-related driving convictions. (a) Any person holding a taxicab driver's license, whose Minnesota driver's license is revoked, suspended or cancelled for any reason, shall immediately surrender his or her taxicab driver's license to the department. The taxicab driver's license shall be returned to the licensee upon reinstatement of the Minnesota driver's license or issuance of a limited license authorizing operation of a taxicab.

(b) Any licensed taxicab driver whose Minnesota driver's license has been revoked, suspended or cancelled and who has been issued a limited license authorizing the operation of a taxicab shall immediately notify the department of the same. The licensee shall furnish a copy of the limited license to the director. The licensee shall also furnish a written statement containing a schedule of the days and hours of each day during which he or she will be driving a taxicab during the term of the limited license. No deviation from the schedule shall be permitted. The licensee shall personally furnish to the director copies of all trip sheets for all shifts worked during the term of the limited license.

(c) Any person holding a taxicab driver's license shall notify the department immediately whenever he or she is convicted of an alcohol-related driving offense, whether or not it involves the operation of a taxicab. Alcohol-related driving offenses shall include driving under the influence, driving with a blood alcohol concentration of ~~.10~~ .08 or greater, any lesser moving violation in which a blood alcohol concentration test was given and recorded ~~.10~~ .08 or greater, aggravated driving violations, and open bottle.

(d) Failure to comply with the provisions of this section shall be grounds for revocation of a taxicab driver's license.

Adopted 5/28/2010.

RE&E - Your Committee, having under consideration the application of Full Kitchen Guys LLC, dba Amici Pizza & Bistro, 2851 Johnson St NE, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2011 and a Sidewalk Cafe License (new business) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/28/2010.

Approved by Mayor Rybak 5/28/2010.

(Published 6/2/2010)

RE&E - Your Committee, having under consideration the application of Black Sheep Coal Fired Pizza LLC, dba Black Sheep Coal Fired Pizza, 600 Washington Av N, for an On-Sale Wine Class E with Strong Beer License (permanent expansion of premises) to expire April 1, 2011 and a Sidewalk Cafe License (new business) to expire April 1, 2011, and having held a public hearing thereon, now

recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/28/2010.

RE&E - Your Committee, having under consideration the application of Subo Experience LLC, dba Subo Experience, 89 S 10th St, for an On-Sale Liquor Class E with Sunday Sales License (permanent expansion of premises) to expire October 1, 2010 and a Sidewalk Cafe License (new business) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/28/2010.

Approved by Mayor Rybak 5/28/2010.

(Published 6/2/2010)

RE&E - Your Committee, having under consideration the application of Bramare LLC, dba Toast Wine Bar & Cafe, 415 1st St N #1, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/28/2010.

RE&E - Your Committee, having under consideration the application of Java Jacks, dba Java Jacks, 818 W 46th St, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2011, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Hodges moved that the report be amended by adding the following license condition, to read as follows:

"A community meeting may be requested by the 13th Ward Council person within 90 days of their license being issued. A representative of Java Jacks will be requested to appear at this meeting." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Tree Servicing License held by Big Mike's Stump Removal, 9608 Vincent Av N, Brooklyn Park.

Adopted 5/28/2010.

Resolution 2010R-258, approving Business License Operating Conditions relating to the Tree Servicing License held by Big Mike's Stump Removal, 9608 Vincent Av N, Brooklyn Park, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-258

By Glidden

Approving Business License Operating Conditions relating to the Tree Servicing License held by Big Mike's Stump Removal, 9608 Vincent Av N, Brooklyn Park.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Tree Servicing License held by Big Mike's Stump Removal, 9608 Vincent Av N, Brooklyn Park:

1. The licensee tree service business shall be limited to stump grinding and area clean up only. The Licensee does not have a Certified Arborist and is restricted from any other type of tree service activities. The licensee must also comply with other requirements of tree service license.

Adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the All Night Special Food License held by Esquina Mexican Eats, 10 S 5th St.

Adopted 5/28/2010.

Resolution 2010R-259, approving Business License Operating Conditions relating to the All Night Special Food License held by Esquina Mexican Eats, 10 S 5th St, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-259
By Glidden

Approving Business License Operating Conditions relating to the All Night Special Food License held by Esquina Mexican Eats, 10 S 5th St.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the All Night Special Food License held by Esquina Mexican Eats, 10 S 5th St:

1. Esquina Mexican Eats agrees to employ a Minneapolis off-duty police officer to be stationed at the entrance of the establishment during hours and days of the week as agreed to by the licensee and City of Minneapolis and submitted in writing.

2. Esquina Mexican Eats will submit to the City of Minneapolis Licenses Division a written policy regarding how it will manage crowd control outside of the establishment at the time of signing this agreement.

3. Esquina Mexican Eats will post "no intoxicated persons allowed" signs at the entrance to the establishment.

4. Esquina Mexican Eats will clean the property and public areas and remove litter on a regular basis within 100 feet of the property lines and maintain a log of the clean up.

Adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Tobacco Dealer License held by Lyndale Tobacco, 703 W Lake St.

Adopted 5/28/2010.

Resolution 2010R-260, approving Business License Operating Conditions relating to the Tobacco Dealer License held by Lyndale Tobacco, 703 W Lake St, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-260
By Glidden

Approving Business License Operating Conditions relating to the Tobacco Dealer License held by Lyndale Tobacco, 703 W Lake St.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Tobacco Dealer License held by Lyndale Tobacco, 703 W Lake St:

1. The owner agrees not to allow the lighting of any tobacco products for purposes of sampling within the store at any time.

Adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Commercial Parking Lot Class A License held by Premier Parking, 245 9th Av S.

Adopted 5/28/2010.

Resolution 2010R-261, approving Business License Operating Conditions relating to the Commercial Parking Lot Class A License held by Premier Parking, 245 9th Av S, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-261

By Glidden

Approving Business License Operating Conditions relating to the Commercial Parking Lot Class A License held by Premier Parking, 245 9th Av S.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Commercial Parking Lot Class A License held by Premier Parking, 245 9th Av S:

1. Premier Parking will submit to the City of Minneapolis Licenses Division a written policy regarding management of the parking lot during tailgating events.

2. Premier Parking agrees that a trained manager and an appropriate number of staff will be on duty before, during and after tailgating events.

3. Premier Parking agrees to designate and enclose a tailgate area within the parking lot.

4. Premier Parking agrees to distribute its tailgating policies to all vehicles when entering the tailgating area.

5. Premier Parking agrees to provide a sufficient number of portable toilets and prominently post signs of their location.

6. Premier Parking agrees to provide a sufficient number of trash receptacles and prominently post signs of their location.

7. Premier Parking agrees to provide a sufficient number of used charcoal receptacles and prominently post signs of their location.

8. Premier Parking agrees to ensure that the parking lot and the area 300 feet in any direction from the perimeter of the parking lot is cleared of all rubbish, garbage and trash within 4 hours of the termination of an event.

9. Premier Parking agrees that it will not place portable signs in the public right-of-way without first obtaining an encroachment permit from the Public Works Department. If such permit is granted, it shall be kept and available for viewing at the parking lot at all times.

10. Premier Parking agrees that no persons will attempt to direct traffic into the parking lot by holding signs or flagging while in the public right-of-way.

11. Premier Parking agrees that no vehicles will be allowed to park on city-owned property.

Adopted 5/28/2010.

RE&E - Your Committee, having under consideration a resolution approving Business License Operating Conditions relating to the Grocery License held by Skyline Food, 2400 10th Av S, now recommends that said resolution be **sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved", and that the resolution be amended by replacing condition number 7, to read as follows:

7. ~~The business agrees that the prior ownership cannot be involved in the ownership or financially benefit in the operation of this store. Due to the previous involvement of alleged criminal activity at the store, previous store employee Hussam Mosoud cannot be employed at this store.~~

"Skyline Foods, LLC, and its members agree that neither the previous sole proprietor (Muin Shaker Melheim) nor the employee previously arrested for receiving stolen goods at the location (Mussam Mosoud) shall be in any manner involved with or possess any interest in the ownership or management of the licensed establishment. Furthermore, neither individual shall be employed by or at the licensed establishment nor derive or share in any financial benefit associated with the operation of the establishment. Additionally, neither individual shall be permitted by any agent, employee or member of Skyline Foods, LLC to be present at or remain on the premises of the licensed establishment for any purpose whatsoever. Should either individual appear on the licensed premises for any purpose the licensee and its employees or agents shall have an affirmative duty to immediately order the prohibited individual to depart from the premises and to immediately request police assistance in the event the individual fails to comply with such order. In the event either prohibited individual appears on the business premises, the licensee shall, in a prompt manner not to exceed 24 hours, notify the Community Crime Prevention (CCP) Specialist of the Minneapolis Police Department's 3rd Precinct and cooperate with the CCP Specialist in issuing a Trespass Notice Form in compliance with Minnesota Statute Section 609.605 and Minneapolis Code of Ordinances Section 385.380." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/28/2010.

Resolution 2010R-262, approving Business License Operating Conditions relating to the Grocery License held by Skyline Food, 2400 10th Av S, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-262

By Glidden

Approving Business License Operating Conditions relating to the Grocery License held by Skyline Food, 2400 10th Av S.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery License held by Skyline Food, 2400 10th Av S:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity.

2. The business will have a minimum of two staff employees working from 3:00 p.m. to the close of business each day to ensure monitoring of the exterior and to reduce negative behaviors.

3. The business agrees not to sell single cigars. Cigars must be sold in original packages.

4. The business agrees not to sell items which are commonly used by drug users and dealers.

Those items include:

- a. Any type of tobacco pipes.
- b. Scrubbing pads without soap in them.
- c. Small zip lock bags (also known as jewelry bags).

- d. Single use tobacco products including rolling papers.
 - e. Small scales (sometimes known as postal scales).
 - f. Bulk packages of pseudoephedrine (more than 24 tablets in a package).
 5. The business agrees not to provide matches to non-tobacco customers.
 6. The business understands that this store is not licensed to receive or sell any type of secondhand goods. The business may apply for a secondhand goods license if they wish.
 7. Skyline Foods, LLC, and its members agree that neither the previous sole proprietor (Muin Shaker Melheim) nor the employee previously arrested for receiving stolen goods at the location (Mussam Mosoud) shall be in any manner involved with or possess any interest in the ownership or management of the licensed establishment. Furthermore, neither individual shall be employed by or at the licensed establishment nor derive or share in any financial benefit associated with the operation of the establishment. Additionally, neither individual shall be permitted by any agent, employee or member of Skyline Foods, LLC to be present at or remain on the premises of the licensed establishment for any purpose whatsoever. Should either individual appear on the licensed premises for any purpose the licensee and its employees or agents shall have an affirmative duty to immediately order the prohibited individual to depart from the premises and to immediately request police assistance in the event the individual fails to comply with such order. In the event either prohibited individual appears on the business premises, the licensee shall, in a prompt manner not to exceed 24 hours, notify the Community Crime Prevention (CCP) Specialist of the Minneapolis Police Department's 3rd Precinct and cooperate with the CCP Specialist in issuing a Trespass Notice Form in compliance with Minnesota Statute Section 609.605 and Minneapolis Code of Ordinances Section 385.380.
 8. The business will have maximum operating hours as allowed by Minneapolis Zoning Ordinances: Sunday through Thursday, 7:00 a.m. to 10:00 p.m. Friday and Saturday, 7:00 a.m. to 11:00 p.m.
 9. The business agrees not to install payphones on either the interior or exterior of the store.
- Adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery (Specialty) License held by Webber Camden Market, 1701 44th Av N.

Adopted 5/28/2010.

Resolution 2010R-263, approving Business License Operating Conditions relating to the Grocery (Specialty) License held by Webber Camden Market, 1701 44th Av N, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-263
By Glidden

Approving Business License Operating Conditions relating to the Grocery (Specialty) License held by Webber Camden Market, 1701 44th Av N.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery (Specialty) License held by Webber Camden Market, 1701 44th Av N:

1. The business agrees that the approval and issuance of this license is subject to the build out of the property by September 1, 2010, as indicated on the approved site plan and subsequent final inspection approvals.

Adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.
Adopted 5/28/2010.

Resolution 2010R-264, granting applications for Liquor, Wine and Beer Licenses, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-264
By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 274277):

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2011

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St

RCI Entertainment (Minnesota) Inc, dba Rick's Cabaret, 300 S 3rd St

On-Sale Liquor Class A with Sunday Sales, to expire June 19, 2010

Wolfgang Puck Catering and Events LLC, dba Wolfgang Puck Catering, 1750 Hennepin Av
(temporary expansion June 19, 2010, 3:00 p.m. to 10:30 p.m.)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2011

Minneapolis Society of Fine Arts, dba Artscape, 2400 3rd Av S

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2011

Lush LLC, dba Lush, 990 Central Av NE (permanent expansion of premises)

Conga Corporation, dba Conga Latin Bistro, 501 E Hennepin Av

On-Sale Liquor Class B with Sunday Sales, to expire May 30, 2010

Stardust Lanes Inc, dba Memory Lanes, 2520 26th Av S (temporary expansion May 29 & 30, 2010, 3:00 p.m. to 10:00 p.m.)

On-Sale Liquor Class B with Sunday Sales, to expire June 10, 2010

Joint Cabooze Operations, dba Joint/Cabooze, 913 Cedar Av S, 1st floor
(June 10, 2010, 11:00 a.m. to 10:30 p.m.)

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2011

M O R E Inc, dba Blarney Pub & Grill, 412 14th Av SE (permanent expansion of premises)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2011

McCormick & Schmick Restaurant Corp, dba M & S Grill, 50 S 6th St (new corporate officer)

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2011

The Butcher Block LLC, dba Butcher Block, 308 E Hennepin Av (new shareholder)

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2010

Complete Beverage Services Inc, dba Darby O Ragens Inc, 401 3rd St N (permanent expansion of premises)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2010

McCormick & Schmick Restaurant Corp, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall (new corporate officer)

On-Sale Wine Class D with Strong Beer, to expire April 1, 2011

Chatterbox Pub, dba Chatterbox Pub, 2229 E 35th St

What Rob Wants Inc, dba Chris & Robs Chicagos Taste Authority, 3101 E 42nd St

On-Sale Wine Class E with Strong Beer, to expire April 1, 2011

Floating World Cafe, dba Floating World Cafe, 2629 E Lake St

Crema Cafe Ltd, dba Crema Cafe, 3403 Lyndale Av S

Temporary On-Sale Wine

Marketing Minneapolis LLC, dba Marketing Minneapolis, 81 S 9th St Suite 260 (June 1 - 4, 2010, 5:00 p.m. to 9:00 p.m., Peavey Plaza, 11th St & Nicollet Mall)

Minneapolis Mounted Patrol, dba Minneapolis Mounted Patrol, 81 S 9th St (June 7 - 9, 2010, 5:00 p.m. to 9:00 p.m., Peavey Plaza, 11th St & Nicollet Mall)

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St Suite 260 (June 10 - 12, 2010, 5:00 p.m. to 11:00 p.m., Peavey Plaza, 11th St & Nicollet Mall)

Marketing Minneapolis LLC, dba Marketing Minneapolis, 81 S 9th St Suite 260 (June 14 - 16, 2010, 5:00 p.m. to 9:00 p.m., Peavey Plaza, 11th St & Nicollet Mall)

Minneapolis Mounted Patrol, dba Minneapolis Mounted Patrol, 81 S 9th St Suite 260 (June 17 & 18, 2010, 5:00 p.m. to 9:00 p.m., Peavey Plaza, 11th St & Nicollet Mall)

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St Suite 260 (June 21 - 23, 2010, 5:00 p.m. to 9:00 p.m., Peavey Plaza, 11th St & Nicollet Mall)

Minneapolis Mounted Patrol, dba Minneapolis Mounted Patrol, 81 S 9th St Suite 260 (June 24 - 26, 2010, 5:00 p.m. to 10:30 p.m., Peavey Plaza, 11th St & Nicollet Mall)

Off-Sale Beer, to expire April 1, 2011

3N Investments Inc, dba Dokken's Superette, 2809 E 42nd St

Madi Inc, dba Venus Grocery, 3751 Portland Av

Mill City Market, dba Mill City Market, 1020 Washington Av S.

Adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 5/28/2010.

Resolution 2010R-265, granting applications for Business Licenses, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-265

By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of May 28, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274277):

Place of Amusement Class C; Bed & Breakfast Facility; Billboard Erector; Laundry; Place of Entertainment; All Night Special Food; Caterers; Food Market Distributor; Grocery; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Drive in Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Pedicabs; Pet Shop; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Solicitor - Company; Steam & Hot Water Systems Installer; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Tree Servicing; Pawnbroker Class A.

Adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 5/28/2010.

Resolution 2010R-266, granting applications for Gambling Licenses, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-266
By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances
(Petn No 274277):

Gambling Class B

Alano Society of Minneapolis, dba Alano Society of Minneapolis, 2281 1st Av S (Bingo May 15, 2010)

Gambling Exempt

Church of the Ascension/Ascension School, dba Church of the Ascension,
1723 Bryant Av N (Raffle May 21, 2010, Church of Ascension School, 1726 Dupont)

Susan G Komen 3 Day, dba Susan G Komen 3 Day, 2300 Arthur St NE (Raffle June 12, 2010,
Moose on Monroe, 356 Monroe St NE)

Arthritis Foundation North Central Chapter, dba Arthritis Foundation North Central Chapter, 1876
Minnehaha Av W, St. Paul (Raffle June 13, 2010, Target Field)

Casa De Esperanza, dba Casa De Esperanza, PO Box 75177, St. Paul (Raffle June 17, 2010,
Faegre & Benson, 90 S 7th St #2200)

Unitarian Universalist Association, dba Unitarian Universalist Association,
25 Beacon St, Boston, MA (Raffle June 27, 2010 at Minneapolis Convention Center)

Minnesota Security Dealers Association, dba Minnesota Security Dealers Association, 5858 Park
Av (Raffle July 15, 2010, Brits Pub, 1110 Nicollet Av)

Scott Carver Dakota Cap Agency Inc, dba Scott Carver Dakota Cap Agency,
712 Canterbury Rd, Shakopee (Raffle July 24, 2010, Epic Event Center, 110 N 5th St)

Church of St. Anthony of Padua, dba Church of St. Anthony of Padua, 804 2nd St NE (Bingo, Raffle,
Paddlewheels, Pulltabs, Tipboards August 1, 2010).

Adopted 5/28/2010.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Bombay Bistro, 820 Marquette Av.
Adopted 5/28/2010.

Resolution 2010R-267, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Bombay Bistro, 820 Marquette Av, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-267
By Glidden

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class E with Sunday Sales License held by Bombay Bistro, 820 Marquette Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on December 2, 2009 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded on three separate occasions employees of Bombay Bistro sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. Bombay Bistro agrees to purchase an ID scanner for age verification and implement its use within 30 days of signing this agreement.

2. Bombay Bistro will submit to the City of Minneapolis Licenses Division a written policy regarding alcohol service at the time of signing the agreement. The policy shall address the following issues:

a. scanning the ID of every guest ordering alcohol.

b. conducting their own youth alcohol compliance checks on a quarterly basis for a period of two years and keeping a record of the results.

c. stating the rewards/consequences for those employees passing/failing youth alcohol compliance checks.

d. addressing alcohol service at regularly scheduled staff meetings.

e. requiring all staff serving liquor to attend professional alcohol server training within 30 days of signing this agreement and annually thereafter.

3. Bombay Bistro agrees that a trained manager will be present at all times of alcohol sales.

4. Bombay Bistro agrees to a 30 day suspension of its On-Sale Liquor License. 27 days are stayed pending no further youth alcohol compliance check failures for a period of two years from the signing of this agreement. The business will close for three days. These days are: January 1, 2010; February 15, 2010; and July 1, 2010.

5. Bombay Bistro agrees to pay the \$2,200 administrative citation fine related to the third compliance check failure.

6. Bombay Bistro agrees to pay the \$1,000 sanction that was stayed from the previous License Settlement Conference held on September 10, 2009.

7. Bombay Bistro agrees to pay a \$5,000 sanction for failing a third youth alcohol compliance check. \$1,000 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of two years from the date of the last violation.

8. Bombay Bistro agrees to pay the administrative citation fine and sanctions as follows:

a. \$2,200 due at time of signing this agreement.

b. Five \$1,000 payments, due no later than the first of each month commencing June 1, 2010 and ending October 1, 2010.

Adopted 5/28/2010.

RE&E – Your Committee recommends passage of the accompanying resolution encouraging Minneapolis Residents to Exercise Precautionary Principles regarding Emerald Ash Borer.

Adopted 5/28/2010.

Resolution 2010R-268, encouraging Minneapolis Residents to Exercise Precautionary Principles regarding Emerald Ash Borer, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-268
By Glidden and Gordon

Encouraging Minneapolis Residents to Exercise Precautionary Principles regarding Emerald Ash Borer.

Whereas, the urban forest contributes significantly to human health and environmental quality by cleaning the air, sheltering wildlife, catching water runoff, cooling our homes, and making our city more beautiful; and

Whereas, the City of Minneapolis has adopted a target of increasing the city's tree canopy from 26 percent to 30 percent of the city by 2030; and

Whereas, the City of Minneapolis is committed to environmental sustainability and efforts to systematically decrease the buildup of human-made chemicals and compounds; and

Whereas, the City of Minneapolis considers protection of our lakes, streams and drinking water a high priority and has adopted two water quality indicators as part of its sustainability tracking process; and

Whereas, the State of Minnesota has jurisdiction over regulation of insecticides; and

Whereas, the human-made chemicals in our environment are accumulating to levels increasingly toxic to human and ecosystem health and there is a lack of research on their cumulative impacts; and

Whereas, the long-term effectiveness of the insecticides being used to treat emerald ash borer has not been proven and eastern U.S. cities already impacted by the emerald ash borer continue to lose treated ash trees; and

Whereas, attempting to prolong the life of an ash tree with insecticides is a long-term financial commitment requiring regular treatments for the remaining life of a tree with no certainty of success; and

Whereas, there are many known negative impacts of insecticides on humans, water, aquatic life, bees and other insects, and other animals and insufficient research demonstrating that these insecticides do not harm human and planet health; and

Whereas, the Minneapolis Park and Recreation Board is not funding pesticide treatment of any trees on public property, including boulevard trees;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That the City of Minneapolis urges residents to protect the city's soil, water, flora, fauna and human health during the emerald ash borer infestation by refraining from applying insecticides to trees on private property.

Be It Further Resolved that the City of Minneapolis encourages residents to join the City in focusing our efforts and resources on growing the next generation of the City's urban forest, filling open spaces on private and public property with diverse trees, bush and native grass species, replacing both infested and non-infested ash trees with other tree species, and caring for our entire urban forest with careful monitoring and watering of all yard and boulevard trees.

Be It Further Resolved that the City strongly cautions Minneapolis residents not to use pesticides that are applied directly to the soil or sprayed on the tree bark or canopy, due to the high likelihood that the chemicals will drain into surface or groundwater and the increased risk that these applications pose to children, pets, beneficial pollinating insects, and nearby plants.

Adopted 5/28/2010.

RE&E - Your Committee recommends that the proper City officers be authorized to execute a Well Delegation Agreement with the Minnesota Department of Health to ensure that the ground water continues to be protected, provide a local resource for residents, businesses and developers on well construction, sealing and maintenance, and provide support in case of an emergency.

Adopted 5/28/2010.

RE&E – Your Committee, having under consideration the property located at 3001 E Lake St, and the Director of Inspections having determined that said property constitutes an immediate hazard to the public health and safety, pursuant to Section 249.30 of the Minneapolis Code of Ordinances, now recommends concurrence with the determination of the Director of Inspections and approves a waiver of the 60-day waiting period set forth in Chapter 249, and that the other procedures as set out in Chapter 249 may be implemented immediately.

Adopted 5/28/2010.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Frank Zaragoza for the property located at 315 Ontario St SE, and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends that the recommendation by the Director of Inspections to revoke the license for failure to meet licensing standards pursuant to Sections 244.1910 of the Minneapolis Code of Ordinances relating to unpaid administrative citations (delinquent property taxes or assessments) be **sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved and the license be revoked, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/28/2010.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Frank Zaragoza for the property located at 321 Ontario St SE, and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends that the recommendation by the Director of Inspections to revoke the license for failure to meet licensing standards pursuant to Sections 244.1910 of the Minneapolis Code of Ordinances relating to unpaid administrative citations (delinquent property taxes or assessments) be **sent forward without recommendation**.

Glidden moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved and the license be revoked, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk which are hereby made a part of this report by reference." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/28/2010.

The REGULATORY, ENERGY & ENVIRONMENT and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

RE&E & T&PW - Your Committee, having under consideration the Legislative Citizen Commission on Minnesota Resources (LCCMR) Grant, now recommends that the proper City officers be authorized to be a full partner in the American Lung Association of Minnesota grant proposal, Building Minnesota's Electric Vehicle Future Project, and if awarded, to accept funding from the LCCMR to install public charging infrastructure and to purchase electric vehicles for City fleet use if analysis by the Department of Public Works determines the project to be a net benefit to the City.

Adopted 5/28/2010.

The TAXES Committee submitted the following report:

Taxes - Your Committee recommends approval of the following report of the Minneapolis Board of Appeal and Equalization Special Board of Review:

**Minneapolis Board of Appeal and Equalization
Report of the Special Board of Review**

The City Clerk submits the report of the Special Board of Review, pursuant to the provisions of an ordinance passed May 30th, 1975, by the Minneapolis City Council relating to assessments of market value of real estate, providing for the creation of a Special Board of Review.

The Board met on Monday May 3rd, 2010, and was duly sworn and after being so sworn entered upon the discharge of duties imposed by law on such Board. The Board continued until Wednesday May 5th, 2010, adjourning at 3:58 p.m.

The Board equalized the values of the assessment rolls of real and personal property located in the City of Minneapolis, County of Hennepin, Minnesota. The Board recommends approval of the Assessor's rolls containing the assessment of real estate and personal property in the districts of the City of Minneapolis, as so revised, amended, equalized, and granted by the Board (Petn No 274282).

The Board recommends to the City Clerk that copies of the adjustments and corrections made to such assessment rolls be transmitted to the City Council for approval or correction. If approved, The Board recommends such assessment rolls be transmitted to the City Assessor, County Board of Appeal and Equalization, and the State Tax Commissioner with the request that they take such action within their powers as authorized by law to give full effect to the correction and adjustments recommended and made by the Board.

Adopted 5/28/2010.

Approved by Mayor Rybak 5/28/2010.

(Published 6/2/2010)

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends that the proper City officers be authorized to amend Professional Service Contract No C-27205 with TKDA, increasing the contract in an amount not to exceed \$320,000, to continue to fill the position of Interim Director of Water Treatment and Distribution Services for the Department of Public Works through July 31, 2011.

Adopted 5/28/2010.

T&PW - Your Committee, having under consideration the case of *Commissioner v. City of Minneapolis - MPD Special Operations*, Office of Administrative Hearings Docket No 3-1901-21115-2, now recommends approval of the settlement of the case, as set forth in Petn No 274285.

Your Committee further recommends that the City Attorney's Office be authorized to execute any documents necessary to effectuate the settlement.

Adopted 5/28/2010.

T&PW - Your Committee, having under consideration the Broadway St NE Street Resurfacing Project (Stinson Blvd to Industrial Blvd), Special Improvement of Existing Street No 5197, now recommends passage of the accompanying resolution designating the locations and streets to be improved in the project.

Adopted 5/28/2010.

Resolution 2010R-269, designating the improvement of certain existing streets in the Broadway St NE Street Resurfacing Project (Stinson Blvd to Industrial Blvd), Special Improvement of Existing Street No 5197, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-269

By Colvin Roy

**2010 STREET RESURFACING PROGRAM
BROADWAY ST NE STREET RESURFACING PROJECT
(STINSON BLVD TO INDUSTRIAL BLVD)
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5197**

Designating the improvement of certain existing streets in the 2010 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

Broadway St NE from Stinson Blvd to Industrial Blvd.

Adopted 5/28/2010.

T&PW - Your Committee, having received a cost estimate of \$612,840 for street resurfacing improvements and a list of benefited properties for certain locations in the Broadway St NE Street Resurfacing Project (Stinson Blvd to Industrial Blvd), Special Improvement of Existing Street No 5197, as designated by Resolution 2010R-269 passed May 28, 2010, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2010 Uniform Assessment Rates as per Resolution 2010R-038, passed January 29, 2010.

Your Committee further recommends that a public hearing be held on June 22, 2010 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 5/28/2010.

T&PW - Your Committee, having under consideration a joint City/County Solid Waste Management Facility to be located within the City of Minneapolis, now recommends that the proper City officers be authorized to acquire, through negotiation or condemnation, the property located at 340 27th Ave NE in Minneapolis.

Adopted 5/28/2010.

T&PW - Your Committee, having under consideration Non-Motorized Transportation Pilot Program (NTP) grant funds to be used for the Bicycle Operations Project, now recommends approval of the project layouts for bicycle boulevard projects on 5th St NE, 22nd Ave NE, and Bryant Ave S.

Further, that the recommended layout changes for the Bryant Ave S Project be amended to add language that the proposed added median at Franklin Ave W be included in the project if warranted after testing is complete (Petr No 274285).

Your Committee further recommends approval of federal aid design exceptions for signing and striping projects on 1st Ave S, 15th St W, Como Ave SE, and Fremont Ave N.

Lilligren moved that the report be amended by adding the following language to the end of the first paragraph:

"pending review within 30 days by a panel to be comprised of Minneapolis Public Works, the Chair and Vice Chair of the Transportation and Public Works Committee, in cooperation with the Council Members of the impacted wards and Transit for Livable Communities". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/28/2010.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Chicago Ave S Street Lighting Project (8th St S to 28th St E), Special Improvement of Existing Street No 6382, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the project.

Adopted 5/28/2010.

Resolution 2010R-270, ordering the work to proceed and adopting the special assessments for the Chicago Ave S Street Lighting Project (8th St S to 28th St E), Special Improvement of Existing Street No 6382, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-270
By Colvin Roy and Hodges**

**CHICAGO AVE S STREET LIGHTING PROJECT (8TH ST S TO 28TH ST E)
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6382**

Ordering the work to proceed and adopting the special assessments for the Chicago Ave S Street Lighting Project.

Whereas, a public hearing was held on May 18, 2010 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2010R-203, passed April 30, 2010 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2010R-203, passed April 30, 2010.

Be It Further Resolved that the proposed special assessments in the total amount of \$425,488.68 for the Chicago Ave S Street Lighting Project (8th St S to 28th St E), as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessment to begin on the 2012 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2012 real estate tax statements.

Adopted 5/28/2010.

Resolution 2010R-271, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$425,480 for the purpose of paying the assessed cost of street improvements in the Chicago Ave S Street Lighting Project (8th St S to 28th St E), Special Improvement of Existing Street No 6382, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-271
By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$425,480 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Chicago Ave S Street Lighting Project (8th St S to 28th St E), Special Improvement of Existing Street No 6382, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, to begin on the 2012 real estate tax statements and payable in the same manner as real estate taxes.

Adopted 5/28/2010.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a lease agreement with the State of Minnesota, acting on behalf of the Minnesota Pollution Control Agency, for space at Police Precinct 5, located at 3101 Nicollet Ave S, to house equipment for ambient air quality monitoring, effective June 2010 through June 2012. Annual revenues will be directed to PW-Property Services (6800340-680LEASE).

Adopted 5/28/2010.

T&PW & W&M/Budget - Your Committee, having under consideration an areaway located at 527 Marquette Ave in conflict with the Marquette Ave Double Width Transit Lanes Project (CPV052), now recommends:

a) Passage of the accompanying resolution amending Resolution 2007R-647, passed December 12, 2007, increasing the sale of assessment bonds by \$550,000 to fund the abandonment of the conflicting areaway; and

b) Passage of the accompanying resolution increasing the appropriation for the project by \$550,000.

Your Committee further recommends that the proper City officers be authorized to negotiate and execute a Right of Entry agreement with the property owners of 527 Marquette Ave and 501 Marquette Ave, pending satisfactory review by the City Attorney's Office.

Adopted 5/28/2010.

Resolution 2010R-272, amending Resolution 2007R-647 entitled "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds for certain purposes other than the purchase of public utilities", passed December 12, 2007 to increase the sale of assessment bonds in the amount of \$550,000, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-272
By Colvin Roy and Hodges

Amending Resolution 2007R-647 entitled "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds for certain purposes other than the purchase of public utilities", passed December 12, 2007.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$550,000, the proceeds of which are to be used for the purpose of paying the portion of the cost of making and constructing certain local improvements to be assessed against benefited properties as estimated by the City Council including assessable portions of the costs relating to an areaway abandonment in conflict with the Marquette Ave Double Width Transit Lanes Project (PV052), of which assessments shall be collected in successive equal annual installments, payable in the same manner as real estate taxes, with the number of installments determined by the type of improvement and current City Council policy.

Adopted 5/28/2010.

RESOLUTION 2010R-273
By Colvin Roy and Hodges

Amending The 2010 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Capital Improvements Fund (04100-9010937-CPV052) by \$550,000 and increasing the Revenue Source (04100-9010937-3846) by \$550,000.

Adopted 5/28/2010.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7286 from Thomas and Sons Construction, Inc., in the amount of \$912,488.83, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the 7th Street North and Van White Memorial Boulevard Intersection Project.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 5/28/2010.

Approved by Mayor Rybak 5/28/2010.

(Published 6/2/2010)

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7296 from Veit & Company, Inc., in the amount of \$3,851,405.54, to furnish all labor, materials, equipment, permits, and incidentals necessary to accomplish the construction of the Cedar Lake Trail Phase III Project.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 5/28/2010.

Approved by Mayor Rybak 5/28/2010.

(Published 6/2/2010)

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 5/28/2010.

Absent - Hofstede.

Resolution 2010R-274, authorizing settlement of *Theresa Flagg v. City of Minneapolis*, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-274

By Hodges

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Theresa Flagg v. City of Minneapolis*, by payment of \$21,000 to Gislason, Martin, Varpness & Janes P.A., from the Internal Service Self Insurance Fund (06900-1500100-145937).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 5/28/2010.

Absent - Hofstede.

W&M/Budget - Your Committee, having under consideration the Unisys Managed Services Contract C-25200, now recommends increasing the contract amount by \$750,000 for change orders requested by customer departments and BIS of \$50,000 or less (Petr 274288). No additional appropriation required.

Adopted 5/28/2010. Yeas, 11; Nays, 1 as follows:

Yeas - Reich, Schiff, Lilligren, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Johnson.

Nays - Gordon.

Absent - Hofstede.

W&M/Budget – Your Committee recommends passage of the accompanying resolution authorizing the acceptance of the 2009 (4th Quarter) and 2010 (1st and 2nd Quarter) list of donations valued under \$15,000, as set forth in Petr No 274288 on file in the Office of the City Clerk.

Adopted 5/28/2010.

Absent - Hofstede.

RESOLUTION 2010R-275

By Hodges

Authorizing the acceptance of donations made to the City of Minneapolis, valued under \$15,000.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept the donations made to the City of Minneapolis as follows:

a) 2009 (4th Quarter); and

b) 2010 (1st and 2nd Quarter).

Adopted 5/28/2010.

Absent - Hofstede.

W&M/Budget - Your Committee recommends passage and summary publication of the accompanying resolution approving the 2011 Nicollet Mall Operating Budget.

Adopted 5/28/2010.

Absent - Hofstede.

Resolution 2010R-276, approving the 2011 Nicollet Mall Operating Budget and accepting adjustments to the 2011 Nicollet Mall Operating Budget, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-276
By Hodges

Approving the 2011 Nicollet Mall Operating Budget and accepting adjustments to the 2010 Nicollet Mall Operating Budget.

Resolved by the City Council of The City of Minneapolis:

That in accordance with the provisions of the Downtown Business Improvement Special Service District, commonly called the Minneapolis Downtown Improvement District (DID), enabled by the City Council on December 12, 2008, and the Nicollet Mall Advisory Board having advised the City council that it would discontinue special service delivery and streetscape maintenance through the Mall District and start the provision of those services through the DID, the estimated cost for improving, operating and maintaining the Nicollet Mall for 2011, in accordance with Subd. 1, Section 420.1.2, Minnesota Statutes, be approved for \$0.00 (zero dollars).

Be It Further Resolved, that unspent funds from 2010 will be used as a credit against amounts due to the DID from Mall District properties in the same proportion as charges were assessed for 2010 services.

Adopted 5/28/2010.

Absent - Hofstede.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Steve Calvin from the decision of the Board of Adjustment upholding the Zoning Administrator's interpretation that a birth center is substantially similar to a hospital for the property at 2604 Chicago Ave S, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 5/28/2010.

Z&P – Your Committee recommends confirmation of the following Council re-appointments to the Zoning Board of Adjustment:

- a) Matt Perry, Ward 13, for a term expiring 12/31/2011;
- b) Matt Ditzler, Ward 5, for a term expiring 12/31/2011; &
- c) Dick Sandberg, Ward 7, for a term expiring 12/31/2011.

Your Committee further recommends confirmation of the following new Council appointments:

- d) James Nutt, Ward 1, for a term expiring 12/31/2012;
- e) Souliyahn Keobounpheng, Ward 5, for a term expiring 12/31/2011; &
- f) Sean Cahill, Ward 7, for a term expiring 12/31/2013.

Adopted 5/28/2010.

Z&P – Your Committee recommends confirmation of the following appointments to the Minneapolis Heritage Preservation Commission, for terms of office to expire December 31, 2012:

- a) Chad Larsen, Ward 7, for a third term;
- b) Denita Lemmon, Ward 13, for a second term; &
- c) Alex Haecker, Ward 7, for a first term.

Adopted 5/28/2010.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Green & DeLaittre Wholesale Grocery Company Warehouse at 500 N Third St be designated as a local landmark, and that the findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Green & DeLaittre Wholesale Grocery Company Warehouse as a local landmark.

Adopted 5/28/2010.

Resolution 2010R-277, designating the Green & DeLaittre Wholesale Grocery Company Warehouse at 500 N Third St as a Historic Landmark, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-277

By Schiff

Designating the Green & DeLaittre Wholesale Grocery Company Warehouse at 500 North Third Street as a Historic Landmark.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on May 4, 2010 and recommended to the Standing Committee on Zoning and Planning that the Green & DeLaittre Wholesale Grocery Company Warehouse at 500 North Third Street become a local historic landmark; and

Whereas, the recommended local designation of the Green & DeLaittre Wholesale Grocery Company Warehouse will include the property including the exterior and the interior of the principal building; and

Whereas, the Green & DeLaittre Wholesale Grocery Company Warehouse meets Local Designation Criterion Four in that it embodies the distinctive characteristics of an engineering type or style, or method of construction, and Local Designation Criterion Six in that it exemplifies the works of a master engineer; and

Whereas, the Green & DeLaittre Wholesale Grocery Company Warehouse at 500 North Third Street is the earliest known extant example in Minneapolis of the 'Mushroom System' of reinforced concrete flat-slab construction; and

Whereas, the Green & DeLaittre Wholesale Grocery Company Warehouse was designed by Minneapolis' Claude Allen Porter (C.A.P) Turner whose 'Mushroom System' for reinforced concrete flat slab construction had national and international impacts which by 1913, only seven years after it was first displayed, had been used in over 1000 buildings around the world, and today is commonplace; and

Whereas, prior to such recommendation, and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on March 19, 2010; and further did refer the subject matter to the Minnesota State Historic Preservation Office for review and comment, such favorable comment being made in a letter dated April 15, 2010; and

Whereas, on May 20, 2010 the Standing Committee on Zoning and Planning recommends designation as a historic landmark;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Green & DeLaittre Wholesale Grocery Company Warehouse encompassing the property at 500 North Third Street including the exterior and the interior of the principal building is hereby designated as a historic landmark.

Adopted 5/28/2010.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition, notwithstanding the recommendation of staff, of Abdirahim Omar with Kamals Restaurant and Food (BZZ-4710) to rezone the property at 3025 5th Ave S from R2B to add the TP Transitional Parking Overlay District to permit an accessory parking lot and adopting the related findings of the Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 5/28/2010.

Ordinance 2010-Or-051 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3025 5th Ave S to add the TP Transitional Parking Overlay District, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-051
By Schiff
1st & 2nd Readings: 5/28/2010

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 014, Block 001, Hastings Second Addition to Minneapolis, (3025 5th Ave S - Plate 25) to add the TP Transitional Parking Overlay District.

Adopted 5/28/2010.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Hongjoo Lee with Golden Nest (BZZ-4736) to rezone the property at 1918 19th Ave NE from R3 to the R4 District to permit an assisted living facility and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 5/28/2010.

Ordinance 2010-Or-052 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1918 19th Ave NE to the R4 District, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-052
By Schiff
1st & 2nd Readings: 5/28/2010

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 1, 2, 3, 10, 11 and 12 including the adjacent half of the vacated alley, Block 1, Kletzin's 3rd Addition to Minneapolis, (1918 19th Ave NE - Plate 10) to the R4 District.

Adopted 5/28/2010.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to revise existing zoning code definitions and to amend provisions referencing revised definitions and tables of permitted and conditional uses accordingly, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and passage:

- a. Amending Chapter 520 relating to *Introductory Provisions*;
- b. Amending Chapter 546 relating to *Residence Districts*;
- c. Amending Chapter 547, relating to *Office Residence Districts*;
- d. Amending Chapter 548, relating to *Commercial Districts*;
- e. Amending Chapter 549, relating to *Downtown Districts*; &
- f. Amending Chapter 550, relating to *Industrial Districts*.

Adopted 5/28/2010.

Ordinance 2010-Or-053 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160 to amend, delete and add definitions, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-053
By Schiff
Intro & 1st Reading: 12/18/2009
Ref to: Z&P
2nd Reading: 5/28/2010

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 520.160 of the above-entitled ordinance be amended by amending, deleting, and adding definitions to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. Additional definitions may be found within specific chapters of this zoning ordinance. All words and phrases not defined shall have their common meaning.

Animal shelter. A facility that houses homeless, lost or abandoned animals or provides temporary boarding services for domestic animals.

Automobile repair, minor. An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (stored only in underground tanks), motor oil, lubricants, grease, and minor accessories may be sold. Minor repair may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, engine repair and replacement, transmission repair and replacement, flushing of radiators, servicing of air conditioners, audio installation, detailing, and other activities of repair or servicing of automobiles, except rebuilding or reconditioning of passenger

automobiles, body, frame or fender straightening, replacement or repair, painting or rustproofing. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

Bay window. A projection from a building primarily constructed of windows that is one (1) or more feet above the adjacent grade.

Canopy tree. A deciduous tree that commonly grows to a mature height of thirty-five (35) feet or greater.

Clinic. An establishment where patients are admitted for medical or dental exams and treatment on an outpatient basis only. A use providing only counseling services shall not be considered a clinic.

Communication exchange. A building where phone calls are switched to and from major feeder lines, where internet service providers route internet traffic between their networks, or where some other form of electronic communication exchanges occur. Communication exchange shall not include a telecommunication tower, antenna or base site.

Concrete, asphalt and rock crushing facility. A use in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled or handled. A concrete, asphalt and rock crushing facility does not include:

- (1) The use on a public roadway construction or repair project approved by the city engineer of equipment which directly moves along the roadway surface and grinds, or grinds, reconstitutes and resurfaces the roadway; or
- (2) The temporary on-site crushing, grinding, or pulverizing of a razed building, parking area or structural materials, which are subject to ~~section 389.90~~ Chapter 389 of the Minneapolis Code of Ordinances.

Drive-through facility. A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include but are not limited to drive-up windows, menu boards, order boards or boxes, drive-in restaurants and drive-up banks. Drive-through facilities shall not include the direct refueling of motor vehicles or a car wash.

Drug store. A convenience retail store with a pharmacy.

Dwelling. A building, or portion thereof, containing one (1) or more dwelling units, designed or used exclusively for human habitation.

Two-family dwelling. A building containing two (2) dwelling units only, each of which is separated from the other by an unpierced wall extending from ground to roof for at least eighty (80) percent of the length of the structure or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Early childhood learning center. A facility in which educational programs are provided to parents and children from ages birth to an age eligible to enter kindergarten within the next four (4) months.

Floor area, gross (GFA). The gross floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two (2) buildings. The gross floor area of a building shall include basement floor area when one-half (1/2) or more of the basement height is above ~~the established curb level or above the finished lot grade level where the curb level has not been established~~ natural grade for more than fifty (50) percent of the total perimeter. The gross floor area shall also include elevator shafts and stairwells to each floor, penthouses, attic space having headroom of ~~seven (7) feet six (6) inches or more~~ clearances that meet building code minimum ceiling heights, interior balconies and mezzanines, enclosed porches, floor area devoted to accessory uses, and floor space used for mechanical equipment, except equipment located on the roof, unless otherwise specified in this ordinance. The

gross floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet, assuming one (1) floor for each fourteen (14) feet in height. In determining the gross floor area of an individual use within a multiple tenant building, the gross floor area is the sum of the gross horizontal areas measured from the interior faces of the interior walls of the space occupied by the use. Gross floor area shall not include space devoted to accessory off-street parking or loading facilities, including aisles, ramps and maneuvering space.

Frontage. All the property abutting one (1) side of a street between the two (2) nearest intersecting streets measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street. In addition, frontage shall include all property abutting a limited access roadway right-of-way.

Primary frontage. ~~The~~ For the purposes of applying the on-premise sign regulations, the frontage toward which the use faces or is oriented. Only one (1) such primary frontage shall be allowed on a zoning lot.

Secondary frontage. ~~A~~ For the purposes of applying the on-premise sign regulations, a frontage that is not the primary frontage.

Habitable. Suitable for a person to live in. References to habitable spaces, areas, and portions of dwellings shall include kitchens, hallways, bathrooms, closets, and unfinished areas easily converted to livable spaces, such as attics and basements, but does not include an attached accessory use designed or intended to be used for the parking of vehicles. References to habitable buildings shall include all habitable spaces and all attached structures to the habitable space including an attached accessory use designed or intended to be used for the parking of vehicles.

Height, structure or building. The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure including parapets, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eaves edge and the ridge level for gable, hip and gambrel roofs. Dormers exceeding fifty (50) percent of the building width below a gable, hip and gambrel roof shall be included in the measured vertical distance. Except in the SH Shoreland Overlay District, roof-top mechanical equipment and enclosures less than fourteen (14) feet tall on a flat roof shall not be included in the height provided the equipment and enclosures are set back from the exterior walls one (1) foot for every one (1) foot they extend above the roof surface.

Home occupation. An occupation or profession carried on by a member of the household residing on the premises, conducted as a customary, incidental and accessory use of a dwelling. Also referred to as live-work.

Hospital. An establishment where patients are admitted for medical, surgical, or psychiatric treatment for outpatient and/or inpatient, overnight accommodation.

Library, public. A library operated by ~~the City of Minneapolis~~ Hennepin County.

Lot. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law.

Reverse corner lot. A corner lot that includes ~~a side~~ more than one (1) lot line adjacent to ~~the streets of which one (1) lot line~~ that is substantially a continuation of the front lot line of the adjacent property to the rear.

Zoning lot. A single, buildable parcel of land under common ownership or control, occupied by one (1) or more principal buildings or uses, accessory buildings or uses, and all yards and open spaces, as required by the zoning ordinance. A zoning lot may consist of more than one (1) platted lot, but shall not be separated by a public street.

Lot coverage. The area covered by principal and accessory structures. Lot coverage shall not include awnings, canopies, balconies, eaves, and signs that meet the standards for permitted obstructions in required yards.

Lot line. A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or alley or any other public space.

Front lot line. A boundary of a lot which is along an existing or dedicated public street, but not an alley. On a corner lot, the front lot line shall be the lot line that is in line with the predominant platting orientation of the block.

Lot width. The distance between the side lot lines of a lot measured along a straight line parallel to the front lot line immediately in back of the required front yard. Where no front yard is required, lot width is the distance between the side lot lines of a lot measured along the front lot line.

Parking facility, off-street. An area, either a parking lot or garage, that provides short-term or long-term off-street parking for motor vehicles. Parking facility includes designated locations for vehicles engaged in loading or unloading of passengers or goods. ~~Off-street~~ Parking facility does not include commercial or industrial yard areas for storage, handling, processing, pickup or delivery of goods, materials or equipment, such as building materials sales yards, scrap/salvage yards, metal milling facilities, contractor yards and other similar uses. A parking facility may be a principal or an accessory use.

Parking lot. A ground level, open area used for the short-term or long-term parking of motor vehicles. A parking lot includes the top level of a parking garage when one-half (1/2) or more of the top level is within four (4) feet above or below the adjacent sidewalk grade.

Parking space. A space of definite length and width designed for parking of motor vehicles within a parking area that is directly accessible to a parking aisle or driveway. Said space shall be exclusive of such drives, aisles or entrances giving access thereto, and curbing.

Performing, visual or martial arts school. A facility providing lessons for artistic activities including, but not limited to dance, music, painting, karate, and yoga. A performing, visual or martial arts school shall not include shower facilities.

Pergola. A building-like structure with columns supporting an elevated trellis over which vines or plants may grow.

Preschool. A facility in which educational programs are provided for children from ages twenty-four (24) months to an age eligible to enter kindergarten within the next four (4) months.

Primary building wall. ~~An~~ For the purpose of applying on-premise sign regulations, a primary building wall is an exterior building wall that faces a street or an exterior building wall that faces an accessory parking area and contains a public entrance. When the exterior building walls are not parallel to a street, they shall be assigned to the street frontage to which they are most oriented.

Roof, flat. A roof slope with a two (2) foot rise over a twelve (12) foot run or less.

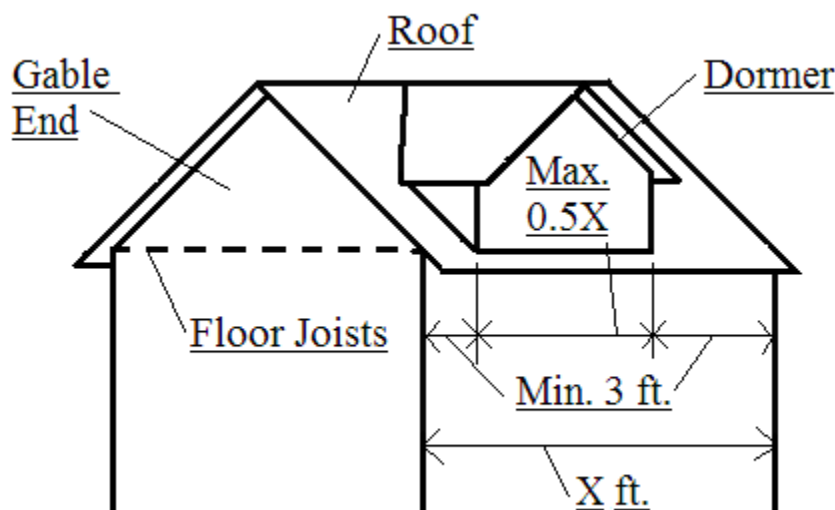
Shopping center. A unified development of two (2) or more ground floor commercial uses, excluding offices, operated under common ownership or management, which may be connected by a common wall or may be freestanding, and which may include common parking and signage. A shopping center shall not include:

- (1) ~~a~~ A storefront building or group of storefront buildings where each use includes a separate principal customer entrance facing the street.
- (2) A commercial or mixed use building with a separate principal customer entrance for each ground floor use with street frontage with any on-site parking facilities located at the interior or rear of the site.

Sports and health facility, minor. A facility, for profit or nonprofit, where members or nonmembers pay a fee to use equipment or space for the purpose of physical exercise. A minor sports and health facility may include aerobics, weight training, muscular exercise programs, yoga, pilates or other similar activities. A minor sports and health facility shall not include ~~locker rooms~~ shower facilities.

Story, half. A story under a gable or hip roof that contains a habitable floor area, including floor area under dormers, not exceeding fifty (50) percent of the floor area of the floor below. A story that meets the following criteria:

- (1) The half story will be located on a principal residential structure with a maximum district or use height of two and one-half (2.5) stories. A partial story located in any other district or on any other use shall be considered a full story.
- (2) Gross floor area of the half story will be located under a gable or hip roof and all of the roof rafters shall abut the floor joists, except at gable ends or where dormers are allowed.
- (3) Dormers on the half story will meet the following standards.
 - a. The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.
 - b. Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.
 - c. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.



Story, half

Structure. Anything constructed or erected with a more or less fixed location on the ground or in or over a body of water. A structure shall include, but not be limited to, buildings, fences, walls, signs, canopies, decks, patios, antennae, piers, docks and any objects or things permanently attached to the structure.

Accessory structure. A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including but not limited to garages, sheds, above-ground swimming pools, and fences.

Principal residential structure. Any structure containing a principal residential use.

Telephone exchange. A building where phone calls are switched to and from major feeder lines. Telephone exchange shall not include a telecommunication tower, antenna or base site.

Top plate. The part of a stud wall directly below and abutting the roof rafters.

Trellis. A framework over which vines and plants may grow that is not a pergola. A freestanding trellis or a trellis attached to and supported by a building extending out from the building more than five (5) feet shall be considered a fence.

Use. The purpose or activity for which the land or buildings thereon are designed, arranged, intended, occupied or maintained.

Accessory use. A use of land or of a building or portion thereof incidental and subordinate to a principal use.

Yard. An open space on the same zoning lot with a use, building or structure which is unoccupied and unobstructed from its lowest surface level to the sky, except as otherwise provided by this zoning ordinance. A yard extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

Adopted 5/28/2010.

Ordinance 2010-Or-054 amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts*, amending Table 546-1 and Sections 546.240(b)(5), 546.300(b)(5), 546.360(b)(5), 546.420(b)(5), 546.480(b)(5), 546.530(b)(5), 546.580(b)(5), and 546.630(b)(5), to amend provisions referencing revised definitions accordingly, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-054
By Schiff
Intro & 1st Reading: 12/18/2009
Ref to: Z&P
2nd Reading: 5/28/2010

Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Residence Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 546-1 of the above-entitled ordinance be amended to read as follows:

Table 546-1 Principal Uses in Residence Districts

<i>Use</i>	<i>R1</i>	<i>R1A</i>	<i>R2</i>	<i>R2B</i>	<i>R3</i>	<i>R4</i>	<i>R5</i>	<i>R6</i>	<i>Specific Development Standards</i>
PUBLIC SERVICES AND UTILITIES									
Telephone <u>Communication</u> exchange	C	C	C	C	C	C	C	C	

Section 2. That Section 546.240(b)(5) of the above-entitled ordinance be amended to read as follows:

546.240. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 3. That Section 546.300(b)(5) of the above-entitled ordinance be amended to read as follows:

546.300. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 4. That Section 546.360(b)(5) of the above-entitled ordinance be amended to read as follows:

546.360. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 5. That Section 546.420(b)(5) of the above-entitled ordinance be amended to read as follows:

546.420. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 6. That Section 546.480(b)(5) of the above-entitled ordinance be amended to read as follows:

546.480. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 7. That Section 546.530(b)(5) of the above-entitled ordinance be amended to read as follows:

546.530. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 8. That Section 546.580(b)(5) of the above-entitled ordinance be amended to read as follows:

546.580. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 9. That Section 546.630(b)(5) of the above-entitled ordinance be amended to read as follows:

546.630. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Adopted 5/28/2010.

Ordinance 2010-Or-055 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, amending Table 547-1 and Sections 547.240(b)(5), 547.310(b)(5), and 547.350(b)(5), to amend provisions referencing revised definitions accordingly, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-055
By Schiff
Intro & 1st Reading: 12/18/2009
Ref to: Z&P
2nd Reading: 5/28/2010

Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 547-1 of the above-entitled ordinance be amended to read as follows:

Table 547-1 Principal Uses in the Office Residence Districts

<i>Use</i>	<i>OR1</i>	<i>OR2</i>	<i>OR3</i>	<i>Specific Development Standards</i>
PUBLIC SERVICES AND UTILITIES				
Telephone <u>Communication</u> exchange	C	C	C	

Section 2. That Section 547.240(b)(5) of the above-entitled ordinance be amended to read as follows:

547.240. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 3. That Section 547.310(b)(5) of the above-entitled ordinance be amended to read as follows:

547.310. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Section 4. That Section 547.350(b)(5) of the above-entitled ordinance be amended to read as follows:

547.350. Building bulk requirements.

(b) *Gross floor area computation for single or two-family dwellings.* The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single or two-family dwellings shall not include the following:

- (5) ~~The habitable portion of a half story if the floor area of the half story is under a hip or gable roof and does not exceed fifty (50) percent of the floor area of the floor below Half story floor area.~~

Adopted 5/28/2010.

Ordinance 2010-Or-056 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, amending Table 548-1 to amend provisions referencing revised definitions accordingly, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-056
By Schiff
Intro & 1st Reading: 12/18/2009
Ref to: Z&P
2nd Reading: 5/28/2010

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 548-1 of the above-entitled ordinance be amended to read as follows:

Table 548-1 Principal Uses in the Commercial Districts

<i>Use</i>	<i>C1</i>	<i>C2</i>	<i>C3A</i>	<i>C3S</i>	<i>C4</i>	<i>Specific Development Standards</i>
PUBLIC SERVICES AND UTILITIES						
Telephone <u>Communication</u> exchange	C	C	C	C	C	

Adopted 5/28/2010.

Ordinance 2010-Or-057 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, amending Table 549-1 to amend provisions referencing revised definitions accordingly, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-057
By Schiff
Intro & 1st Reading: 12/18/2009
Ref to: Z&P
2nd Reading: 5/28/2010

Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 549-1 of the above-entitled ordinance be amended to read as follows:

Table 549-1 Principal Uses in the Downtown Districts

<i>Use</i>	<i>B4</i>	<i>B4S</i>	<i>B4C</i>	<i>Specific Development Standards</i>
PUBLIC SERVICES AND UTILITIES				
Telephone <u>Communication</u> exchange	P	P	P	

Adopted 5/28/2010.

Ordinance 2010-Or-058 amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to *Zoning Code: Industrial Districts*, amending Table 550-1 to amend provisions referencing revised definitions accordingly, was adopted 5/28/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2010-Or-058
By Schiff
Intro & 1st Reading: 12/18/2009
Ref to: Z&P
2nd Reading: 5/28/2010

Amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Industrial Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 550-1 of the above-entitled ordinance be amended to read as follows:

Table 550-1 Principal Uses in the Industrial Districts

<i>Use</i>	<i>I1</i>	<i>I2</i>	<i>I3</i>	<i>Specific Development Standards</i>
PUBLIC SERVICES AND UTILITIES				
Telephone <u>Communication</u> exchange	C	C	C	

Adopted 5/28/2010.

Z&P - Your Committee, notwithstanding the recommendation of the Heritage Preservation Commission, now recommends that the Rex Hardware store at 2601 Lyndale Ave S not be designated as a local historic landmark.

Adopted 5/28/2010. Yeas, 7; Nays, 6 as follows:

Yeas - Gordon, Schiff, Quincy, Goodman, Hodges, Samuels, Johnson.

Nays - Reich, Hofstede, Lilligren, Colvin Roy, Tuthill, Glidden.

RESOLUTION

Resolution 2010R-278, adopting a new policy for canceling special assessments and charges against properties for nuisance abatement activities under Chapter 227, Chapter 249, Chapter 244 and similar provisions of the Minneapolis Code of Ordinances, if the special assessments or charges are determined by the Director of Inspections or his/her designee to be an undue burden on the property and the violations at the property have been corrected by the owner, was adopted 5/28/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2010R-278

By Glidden

Adopting a new policy for canceling special assessments and charges against properties for nuisance abatement activities under Chapter 227, Chapter 249, Chapter 244 and similar provisions of the Minneapolis Code of Ordinances, if the special assessments or charges are determined by the Director of Inspections or his/her designee to be an undue burden on the property and the violations at the property have been corrected by the owner.

Whereas, the City Council finds that the Department of Regulatory Services uses the special assessment process set out in section 227.100 of the Code, for such situations including but not limited to: Chapter 249 Vacant Building Registration Fees, grass/weed cutting, rubbish removal, removal of inoperable vehicles and to collect unpaid administrative citations issued for violations of Chapter 244, Maintenance Code; and

Whereas, the City Council finds that the volume and quantity of assessments has increased substantially in the last Five (5) years; and

Whereas, the City Council finds that for many years, the Director of Inspections has acted on requests of homeowners, whose properties were subject substantial special assessment charges, to reduce or waive the amount of special assessments placed upon the property for nuisance abatement activities or violations of the Housing Maintenance Code. That the Director of Inspections has properly reviewed the individual circumstances of each case to come to a decision as to whether to reduce or waive the amount of special assessments placed upon the properties in question; and

Whereas, the City Council finds that Hennepin County is now requiring City Council action, either through a resolution or on a case by case basis, to reduce or waive special assessments placed upon a property for nuisance abatement activities or violations of the Housing Maintenance Code; and

Whereas, the City Council finds that a review of the individual situations concerning these special assessment waiver/reduction requests, is best handled as a management function of the Director of Inspections; and

Whereas, the City Council finds that a case by case review of these special assessment waiver/reduction requests would significantly and unreasonably increase City Council and Committee caseload;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the discretion and authority to review and decide these requests shall rest with the Director of Inspections.

Be It Further Resolved that the City Council hereby authorizes and requests the Hennepin County Auditor to cancel and reduce special assessments, pending assessments and charges on its records consistent with this resolution.

Adopted 5/28/2010.

UNFINISHED BUSINESS

RE&E & W&M/Budget - Your Committee, having under consideration the low bid received on OP #7284 submitted by BD Construction, LLC, in the amount of \$37,835, to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish the demolition and site clearance of an apartment building located at 2220 Marshall Street NE for the Department of Regulatory Services, now recommends the following:

RE&E - acceptance of the bid submitted by BD Construction, LLC, all in accordance with City specifications. Further, that the proper City officers be authorized to execute a contract for said project.

W&M/Budget - that the bid submitted by BD Construction, LLC, **be sent forward without recommendation.**

Hofstede moved that the report be postponed. Seconded.

Adopted by unanimous consent 5/28/2010.

Pursuant to previous notice, Schiff moved to introduce the subject matter of an ordinance amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, for first reading and referral to the Zoning & Planning Committee (amending regulations pertaining to dynamic signs). Seconded.

Adopted 5/28/2010.

NEW BUSINESS

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to Building Code: Parking Ramps (amending operating requirements and regulations).

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots (amending definitions, requiring a business license, and establishing licensing standards for commercial parking ramps).

Colvin Roy gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition (amending Section 249.80 adding criteria to clarify inclusion of commercial and residential property which is unable to receive a Certificate of Occupancy due to expired permits or demonstrated work stoppage as determined by the Building Official).

Lilligren moved to adjourn to Room 315 City Hall to consider the a) *Brad Hoyt and Continental Property v. City of Minneapolis*; and b) *Derryl Jenkins v. City of Minneapolis, et al. lawsuits*. Seconded.
Adopted upon a voice vote 5/28/2010.

Room 315 City Hall

Minneapolis, Minnesota

May 28, 2010 - 11:20 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present – Council Members Lilligren, Tuthill, Quincy, Glidden, Hodges, Samuels, President Johnson.

Absent - Council Members Gordon, Reich, Hofstede, Schiff, Colvin Roy, Goodman.

Peter Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving a) *Brad Hoyt and Continental Property v. City of Minneapolis*; and b) *Derryl Jenkins v. City of Minneapolis, et al.*

At 11:21 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Gordon, Hofstede, Schiff, Colvin Roy, Goodman.

Present - Council Members Gordon (in at 11:24 a.m.), Reich, Hofstede (in at 11:25 a.m.; out at 12:29 p.m.), Schiff (in at 11:25 a.m.), Lilligren (out 12:20-12:25 p.m.), Colvin Roy (in at 11:25 a.m.), Tuthill, Quincy, Glidden (out at 12:26 p.m.), Goodman (in at 11:24 a.m.; out 12:27-12:34 p.m.), Hodges, Samuels (out 11:30-11:31 a.m.), President Johnson.

Also Present – Susan Segal, Peter Ginder and Jim Moore, City Attorneys Office; Charles Nauen, outside counsel with Lockridge Grindal Nauen P.L.L.P. (out at 12:27 p.m.); Mayor R.T. Rybak (in at 11:24 a.m.-12:35 p.m.); Jeremy Hanson, Mayor's Office (in at 11:26 a.m.); Police Lt. Lawrence Doyle (in at 12:27 p.m.); Irene Kasper and Tina Sanz, City Clerk's Office; and Cecilia Glidden (age one) (out at 12:26 p.m.).

Charles Nauen summarized the *Brad Hoyt and Continental Property v. City of Minneapolis* lawsuit from 11:21 a.m.-12:27 p.m.

Jim Moore summarized the *Derryl Jenkins v. City of Minneapolis, et al* lawsuit from 12:27-12:35 p.m.

At 12:35 p.m., Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.
Absent - Hofstede, Glidden.

Hodges moved to approve settlement of the case of *Derryl Jenkins v. the City of Minneapolis, et al*; United States District Court File No.: 10-CV-279 JNE/JJK with payment of \$150,000 to Derryl Jenkins and payment of \$85,000 to his attorneys, Flynn, Gaskins and Bennett and Paul Edlund. The payments shall be from Fund/Org. 06900-1500100-145400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 5/28/2010.
Absent - Hofstede, Glidden.

Lilligren moved to adjourn. Seconded.
Adopted by unanimous consent 5/28/2010.
Absent - Hofstede, Glidden.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Tina Sanz,
Assistant City Clerk.

Unofficial Posting: 6/2/2010
Official Posting: 6/4/2010